Court No. - 90

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42475 of 2020

Applicant :- Anuj Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- Sunil Vashisth
Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

Heard Sri Sunil Vashisth, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This instant bail application has been filed for releasing the applicant on bail in Case Crime No. 79 of 2020, under Sections 376, 511, 354-B, 114, 406, 498-A, 325, 323, 504, 506, 34 IPC and Section 3/4 Dowry Prohibition Act, P.S. Kotwali Nagar, District Saharanpur, during pendency of trial.

It is submitted by learned counsel for the applicant that applicant is innocent and has falsely been implicated in the present case. It is next submitted that victim, who is wife of elder brother lodged F.I.R. against all family members including the applicant and husband. It is further submitted that the said F.I.R. was challenged by all family members before this Court in Crl. Misc. Writ Petition no. 11668 of 2020 and the Division Bench of this Court vide order dated 2.11.2020 disposed of the said writ petition by staying arrest of the all applicants. Since, the applicant (Anuj Kumar), who is government employee, was arrested from his office, therefore, his petition was dismissed as infructuous. It is next submitted that the allegation made in the F.I.R. is improbable, which cannot be accepted and the statement recorded u/s 164 Cr.P.C. and the medical report have not supported the version of the F.I.R. As per the allegation of the F.I.R., in-laws of the first informant were demanding Rs. 20 lacs. Allegation of demand of dowry is only to harass the applicants. The allegation against the applicant is that the applicant has tried to outrage her modesty. There is no direct allegation against the applicant. It has been further submitted that applicant is languishing in jail since 5.9.2020 having no other previous criminal history to his credit and that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial and thus, the applicant is entitled for indulgence.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for

the applicant.

Having considered the material on record, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of ***Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22*** and without expressing any opinion on the merits of the case, let the applicant- **Anuj Kumar** involved in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.

6. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 7.12.2020
Dhirendra/