Court No. - 2
Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 8423 of 2020
Applicant :- Parashuram Yadav And 2 Others
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Shesh Nath Singh Yadav
Counsel for Opposite Party :- G.A.
Hon'ble Suneet Kumar,J.

Heard learned counsel for the applicants, as well as, learned AGA for the State and perused the material placed on record.

This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.201 of 2020, under Sections 147, 323, 307 I.P.C., P.S.- Nandganj, District Ghazipur, during the pendency of investigation.

It is urged by learned counsel for the applicants that eleven persons have been nominated in the F.I.R.; applicants have been falsely implicated in the matter on false and malicious contentions; co-accused Dharmendra Yadav and Sanjay Yadav have already been enlarged on anticipatory bail; they have no criminal history; it is not a case of custodial interrogation. If they are released on bail, they would not misuse the liberty of bail and would cooperate with the investigation.

I have perused the prosecution story as set up in the F.I.R. and also the anticipatory bail rejection order.

Learned AGA has opposed the prayer for anticipatory bail of the applicant.

Keeping in view the reasons as stated above, the facts and circumstances of the case as have been discussed at the Bar of this Court, without expressing any opinion on the merits of the case, considering the nature of accusation, the applicants are entitled to be released on anticipatory bail in this case.

In the event of arrest of the applicants, **Parashuram Yadav, Gajanad Yadav and Heera @ Heera Lal Yadav,** involved in the aforesaid case, they shall be released on anticipatory bail on their furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the applicants will join and participate in each and every aspect of "Investigation" and will lend full assistance to the Investigating Agency even with regard to "discovery of fact" if

and when required so by the Investigating Agency or the concerned court;

(ii) the applicants shall make themselves available for interrogation by a police officer as and when required;

iii) the applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police office;

(iv) the applicants shall not leave India without the previous permission of the Court and if they have passport the same shall be deposited by them before the S.S.P./S.P. Concerned.

In default or misuse of any of the conditions, the Public Prosecutor/Investigating Officer/first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

(v) The party shall file computer generated copy of this order downloaded from the official website of High Court Allahabad.

(vi) The computer generated copy of the order shall be self attested by the counsel of the party concerned.

(vii) 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 view of the extraordinary situation prevailing in the State due to Covid-19, the directions of this Court dated 6.4.2020 passed in Public Interest Litigation No. 564 of 2020 (In re vs. State of U.P.), shall also be complied.

The order reads thus:

"Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertakes to furnish required sureties within a period of one month from the date of his/her actual release."

Order Date :- 16.12.2020
Radhika