Court No. - 83

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45770 of 2020

Applicant :- Ikrar @ Allah Rakha
Opposite Party :- State of U.P.
Counsel for Applicant :- Sanjay Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Sanjay Mishra, learned counsel for the applicant and learned AGA for the State.

A first information report was lodged against the applicant as Case Crime No. 0526 of 2017 at Police Station- Kasganj, District- Kasganj on 15.7.2017, under Section 307 IPC.

The bail application of the applicant was rejected by learned Additional Sessions Judge/ Fast Track Court No. 2, Kasganj on 23.10.2020.

The applicant is in jail since 23.10.2020 pursuant to the said F.I.R.

Sri Sanjay Mishra, learned counsel contends that the applicant has falsely been implicated in the present case. The applicant was not present at the site of the incident. No specific role has been attributed to the applicant in the FIR. The applicant was a government employee who was present in his office at the time of incident. The applicant claims parity with the case of other co-accused persons who have been granted bail by this Court on 28.1.2018 and 6.2.2018 in Criminal Misc. Bail Application No. 2875 of 2018 and Criminal Misc. Bail Application No. 4371 of 2018. It is also asserted that apart from the above said cases

the applicant does not have any criminal history.

Learned A.G.A. has opposed the bail application.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Ikrar @ Allah Rakha be released on bail in Case Crime No. 526 of 2017 under Section 307, 324 IPC, Police Station- Kasganj District- Kasganj registered on 15.07.2017 at Police Station- Kasganj District- Kasganj, on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court

shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

(vi) The computer generated copy of such 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.

Order Date :- 17.12.2020
Nadeem Ahmad