Court No. - 83

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45705 of 2020

Applicant :- Deepak Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Mahendra Kumar Yadav,Vinod Kumar Yadav
Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Vinod Kumar Yadav, learned counsel for the applicant and learned AGA for the State.

A first information report was lodged as Case Crime No. 0544 of 2020 at Police Station- Kotwali Kannauj, District- Kannauj on 08.09.2020 under Sections 420 and 406 I.P.C.

The bail application of the applicant was rejected by learned District and Sessions Judge, Kannauj on 19.10.2020.

The applicant is in jail since 16.09.2020 pursuant to the said F.I.R.

Sri Vinod Kumar Yadav, learned counsel for the applicant contends that the applicant was not named in the F.I.R. Certain amount to the extent of Rs. 1,30,000/- was deposited in the bank account of the applicant without his knowledge and consent. The applicant was falsely implicated in the present case.

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

The applicant has satisfactorily explained his criminal history.

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- Deepak Singh be released on bail in Case Crime No. 544 of 2020 under Sections 406, 420, 468 and 471 I.P.C. Police Station- Kotwali Kannauj, District- Kannauj, registered on 08.09.2020 at Police Station- Kotwali Kannauj, District- Kannauj, 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 :- 14.12.2020

Dhananjai