Court No. - 83

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45656 of 2020

Applicant :- Kuldeep Siharma
Opposite Party :- State of U.P.
Counsel for Applicant :- Hitesh Pachori
Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Hitesh Pachori, learned counsel for the applicant and learned AGA for the State.

A first information report was lodged as Case Crime No. 0582 of 2020 at Police Station- Sadar Bazar, District- Agra on 13.09.2020, under Section 392, 411, 413, 506 IPC.

The bail application of the applicant was rejected by learned Special Judge [D.A.A Act]/ Additional Session Judge, Court No. 3, Agra on 22.10.2020.

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

Sri Hitesh Pachori, learned counsel contends that the applicant is falsely implicated in the present case. Applicant was not named in the FIR. The applicant has been implicated on the footing of a confession made by him under duress before the police authorities. False recovery has been shown from the applicant to the extent of Rs. 20,000/-. There is no independent witness to the alleged recovery.

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- Kuldeep Siharma be released on bail in Case Crime No. 0582 of 2020 at Police Station- Sadar Bazar, District- Agra, under Section 392, 411, 413, 506 IPC, registered on 13.09.2020 at Police Station- Sadar Bazar, District- Agra, 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
Nadeem Ahmad