Court No. - 2

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45996 of 2020

Applicant :- Satyendra Singh Gangwar
Opposite Party :- State of U.P.
Counsel for Applicant :- Pradeep Kumar Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Suneet Kumar,J.

Heard the learned counsel for the applicant, learned AGA and perused the record.

The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 66 of 2006, under Sections 409, 420, 467, 468, 471, 477-A, 120-B/34 IPC and 13(2) Prevention of Corruption Act, Police Station Bairia, District Ballia, during pendency of trial.

Applicant is retired Chief Finance and Account Officer. At the relevant time, he was posted as In-Charge Project Director at District Ballia for one month. The allegation as per F.I.R. version lodged in 2006 is that at Block Siyar, out of 23 projects, two projects were not completed and public money was misappropriated.

It is urged that in the F.I.R., it is alleged that the work was not existing on the spot but payments were released, but from the physical inspection of the spot, it is reflected that the work was done and payment was made; charge sheet has also been filed in the matter; applicant is a public servant, aged about 70 years. It is further submitted that the applicant has no other reported criminal antecedent and he is languishing in jail since 19.07.2019, there is no likelihood of early disposal of trial and the applicant undertakes that if enlarged on bail, he will never misuse his liberty and will co-operate in the trial.

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.

Without expressing any opinion on the merits of the case and considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case.

Let the applicant- ***Satyendra Singh Gangwar*** involved in aforesaid case 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 which are being 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.

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 :- 14.12.2020
Mukesh Kr.