Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47164 of 2020

Applicant :- Shubham Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Vijay Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Joshi,J.

Heard Sri Vijay Kumar, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This instant bail application has been filed for releasing the applicant on bail in Case Crime No. 1228 of 2020, under Sections 147, 148, 149, 307, 323, 504, 506, 427, 120-B IPC and Section 7 Criminal Law Amendment Act, P.S. Cantt., District Gorakhpur, during pendency of trial.

It is submitted by learned counsel for the applicant that applicant is innocent and has falsely been implicated in the present case. It is next submitted that the applicant was not named in the F.I.R. His name was surfaced on the basis of statement of injured Jitendra recorded u/s 161 Cr.P.C. It is further submitted that no role has been assigned to the applicant. It has been further submitted that applicant is languishing in jail since 29.9.2020 having no other previous criminal history to his credit as stated in paragraph- 18 of the affidavit filed in support of the bail application and that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial and thus, the applicant is entitled for indulgence. It is lastly submitted by learned counsel for the applicant that co-accused Shubham Rao and 2 others, who were assigned similar role, have already been granted bail by the co-ordinate Bench of this Court vide order dated 9.12.2020 in Criminal Misc. Bail Application No. 39700 of 2020. Hence, parity is claimed.

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.

Having considered the material on record, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of ***Dataram Singh Vs.***

State of U.P. and another, reported in (2018) 3 SCC 22 and without expressing any opinion on the merits of the case, let the applicant- **Shubham Singh** involved in the aforesaid 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 that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.

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

7. 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 case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 18.12.2020
Dhirendra/