

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 4045 of 2022

**Applicant :-** Venkatesh Subramanyam Naidu

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Suresh Chandra Pandey, Suresh Chandra Mishra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ashwani Kumar Mishra, J.**

Heard learned counsel for the applicant and the learned A.G.A. for the State.

Contention is that the applicant has been falsely implicated in Case Crime No.109 of 2021 under Sections 411, 413 and 414 I.P.C., Police Station Sisamau, District Kanpur Nagar. It is stated that the applicant has been falsely implicated in one case whereafter his implication has been shown in other cases, originally filed against some un-known persons. It is stated that there is no independent witness to the recovery and apart from these case, applicant has no other criminal history except a case of the year 2019 in which also no recovery has been made from him. It is further argued that the trial is not likely to be concluded shortly on account of Covid-19 pandemic and that the applicant undertakes that he will not misuse the liberty of bail and will cooperate in the conduct of trial. It is stated that the applicant shall not misuse the liberty of bail. The applicant is languishing in jail since 1.10.2021.

Learned A.G.A. opposes the bail application.

Courts have taken notice of the overcrowding of jails during the current pandemic situation (Ref.: Suo Motu Writ Petition (C) No. 1/2020, Contagion of COVID 19 Virus in prisons before the Supreme Court of India). These circumstances shall also be factored in while considering bail application on behalf of accused person.

Upon hearing learned counsel for the parties, perusal of record, severity of punishment, totality of facts and circumstances, at this stage without expressing any view on the merits of the case, the Court is of the opinion that it is a fit case for bail.

Let the applicant Venkatesh Subramanyam Naidu be released on bail in the aforesaid case crime on furnishing a personal bond and two sureties each in the like amount to the satisfaction

of magistrate/court concerned, subject to following conditions:-

- (i) The applicant will not tamper with prosecution evidence.
- (ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.
- (iii) The applicant will not indulge in any unlawful activities.
- (iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Accordingly, the instant bail application is allowed.

**Order Date :- 14.2.2022**

n.u.