

In Chamber

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52305 of 2019

Applicant :- Mangeram

Opposite Party :- State of U.P.

Counsel for Applicant :- Avinash Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Siddhartha Varma,J.

This bail application has been moved on behalf of the applicant, Mangeram, who is involved in Case Crime No.298/2019, under Sections 326 and 436 of the Indian Penal Code, P.S. Chilkana, District Saharanpur.

It has been averred that the applicant has been falsely implicated. It is further averred that the applicant is in jail since 7.8.2019 and if he is released on bail, he will not misuse the liberty of bail.

Learned A.G.A. has filed a counter affidavit and opposed the prayer for bail.

A perusal of the counter affidavit filed by the State shows that the charge sheet has been filed. No further investigation by the police is, therefore, required. The applicant has also no criminal history.

Upon perusing the records and upon considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without commenting on the merits of the case, I find it a fit case for bail.

Let the applicant, Mangeram, who is involved in Case Crime No.298/2019, under Sections 326 and 436 of the Indian Penal Code, P.S. Chilkana, District Saharanpur, be released on bail on

furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate / Court concerned, subject to the following conditions:

(i) The applicant will not tamper with the prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide by the orders of the 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 activity.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

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

(vi) 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 with.

The order dated 6.4.2020 reads as under:

"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."

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.

Order Date :- 20.4.2020

GS

(Siddhartha Varma, J.)