

Residence

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12044 of 2020

Appellant :- Krishna Murari

Respondent :- State of U.P.

Counsel for Appellant :- Satyendra Narayan Singh

Counsel for Respondent :- A.G.A.

Hon'ble Govind Mathur, Chief Justice

As per the averments contained in the affidavit filed in support of application preferred under Section 439 of the Code of Criminal Procedure, 1973, the contention of the applicant is that the dispute existing between the parties is purely of civil nature relating to a disputed property. A civil suit in that regard too is said to be pending. The first information report also pertains to the year 2003.

Having considered all relevant facts, I am inclined to grant this application for bail. Accordingly, the same is allowed.

Let the applicant **Krishna Murari**, son of Bhaiya Lal, involved in Case Crime No. C-7 of 2003, under Sections 420, 468, 471 of Indian Penal Code, P.S. Manjhanpur,, District Kaushambi 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.

Order Date :- 25.3.2020
Bhaskar

(Govind Mathur, C.J.)