

In Residence

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12045 of 2020

Appellant :- Ram Newaj & Another

Respondent :- State of U.P.

Counsel for Appellant :- Satyendra Narayan Singh

Counsel for Respondent :- A.G.A.

Hon'ble Govind Mathur, Chief Justice

It is brought to my notice that this Court has already accepted an application preferred on behalf of co-accused Krishna Murari. The case of the present applicants does not appear to be distinguishable with the co-accused aforesaid.

It would also be appropriate to state that the applicants have been arrested in a case relating to an incident of 2003.

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

Let the applicants **Ram Newaj, S/o Late Rameshwar Dutt and Udho Shyam, S/o Late Rameshwar Dutt**, 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 their furnishing a personal bonds 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 applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants 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 applicants 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 them 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 :- 31.3.2020

Bhaskar

(Govind Mathur, C.J.)