

## **In Chamber**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 12984 of 2020

**Applicant :-** Montu

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

**Counsel for Applicant :-** Nipun Singh

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

**Hon'ble Siddharth,J.**

In view of the guidelines laid down by this Court, the urgent bail applications have been directed to be heard through Video Conferencing.

Heard Shri Nipun Singh, learned counsel for the applicant and Sri S. N. Mishra, learned AGA through Video Conferencing.

### **Order on Criminal Misc. Exemption Application**

This exemption application is allowed.

### **Order on Criminal Misc. Bail Application**

The instant bail application has been filed on behalf of the applicant, **Montu**, with a prayer to release him on bail in **Case Crime No. 1694 of 2019, under Sections 409, 420, 467, 468, 471, 120-B I.P.C and Section 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, Police Station Surajpur, District- Gautam Budh Nagar** during pendency of trial.

The allegation in the first information report is regarding fabrication of muster roll of duty of the home guards. The applicant claims that he was Avaitanik Platoon Commander and it was not within his power to prepare muster roll and make the payment. It is Vaitanik Platoon Commander who performs such duty. The main accused, Ram Narayan Chaurasiya, has been granted bail in Criminal Misc. Bail Application No.7048 of 2020. The applicant is in jail since 19.11.2019.

Learned AGA has opposed the prayer for bail of 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 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 :- 30.5.2020**

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