

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17481 of 2020

Applicant :- Sonu Kesarwani

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Swati Agrawal Srivastava

Counsel for Opposite Party :- G.A., Ayank Mishra

Hon'ble Neeraj Tiwari, J.

Heard learned counsel for the applicant, Sri Ayank Mishra, learned counsel for the informant and learned AGA for the State and perused the material placed on record.

It is contended by the learned counsel for the applicant that the applicant is brother-in-law of the victim and he has been falsely implicated in the present case. Now the victim is living with brother (husband of victim) of applicant who has already been granted bail by this Court on 12.06.2020 in Criminal Misc. Bail Application No. 13670 of 2020. Applicant does not have any criminal history. It is next contended that there are no chances of the applicant of fleeing away from the judicial process or tampering with the prosecution evidence. It is next contended by the learned counsel for the applicant that the applicant is in jail since 22.01.2020 and in case he is enlarged on bail, he will not misuse the liberty of bail.

Sri Ayank Mishra, learned counsel for the informant submitted that he has filed the short counter in the registry supporting the case of the applicant. He further submitted that if the court grants bail to the applicant, he would have no objection.

Considering the facts and circumstances of the case and also perusing the material on record, without expressing any opinion on the merit of the case, let the applicant -**Sonu Kesarwani**, involved in case crime No. 808 of 2019, under Sections - 498-A, 323, 504, 506, 376, 120-B IPC and 3/4 D.P. Act, police station -Jhunsi, District -Allahabad/Prayagraj be released on bail on his furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned. It is further provided that this bail order available on the official website of the High Court will be taken to be the authentic one and certified copy shall be submitted before that court concerned as soon as it is issued.

This bail order would be subject to the fulfilment of following conditions:-

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. 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;
5. In case, the applicant misuses the liberty of bail 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.
6. 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 default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.
7. 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.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 31.8.2020

Sartaj