

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 21326 of 2020

**Applicant :-** Shailendra Agarwal And Another

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

**Counsel for Applicant :-** Arvind Srivastava, Anil Kumar Pandey

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

**Hon'ble Siddharth, J.**

Heard learned counsel for the applicants and learned A.G.A.

The applicants are builders of 'Nikhil Park Royal Project' situated at Agra. There are allegations against them that they have taken different amounts from number of persons for the purpose of providing them flats but no flats have been provided to them nor their money is being returned. The applicants are in jail since 18.9.2017.

Keeping in view the nature of the offence, evidence on record regarding complicity of the accused, 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, the Court is of the view that the applicants have made out a case for bail. The bail application is allowed.

Let the applicants, Shailendra Agarwal S/o Late Sri Om Prakash Agarwal and Shailendra Agarwal S/o Kishanlal Agarwal, who are involved in Case Crime No. 199 of 2018, under Sections 420, 467, 468, 471, 120-B I.P.C, Police Station-Hari Parvat, District- Agra, be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicants 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 applicants have been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court their 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.

8. The applicants shall return the money taken from the informant within six months of their release.

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

**Order Date :-** 31.8.2020

Atul kr. sri.