

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21356 of 2020

Applicant :- Basant Lal

Opposite Party :- State of U.P.

Counsel for Applicant :- Perdeep Kumar Vishnoi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Heard learned counsel for the applicant, Sri Sanjay Singh, learned A.G.A.-I for the State and perused the material brought on record.

The submission of learned counsel for the applicant is that applicant is innocent and has been falsely implicated due to ulterior motive. It is next submitted that prima facie no case is made out against the applicant and it is a subject matter of trial. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. Further submission is that applicant who is in detention since 07.06.2020, has no previous criminal history and there is also no possibility of his either fleeing away from the judicial process or tampering with the witnesses. Applicant also undertakes that he will not misuse the liberty, if granted.

Learned A.G.A. opposed the prayer for bail.

Considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment, and large mandate of the Article 21 of the Constitution of India, the dictum of Apex Court in the case of **Dataram Singh v. State of U.P. and another**, reported in **(2018) 2 SCC 22** and without expressing any opinion on the merits of the case, I find it to be a case of bail.

Let applicant- Basant Lal, involved in Case Crime No. 86 of 2020 under Sections 307, 452, 323, 504, 506 I.P.C., Police Station- Charwa, District- Kaushambi be released on bail, on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions :-

1. The applicant will attend and co-operate the trial proceedings

pending before the court concerned on the date fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

4. The party shall file computer generated copy of such order downloaded from the official website of High Court, Allahabad.

5. The concerned Court shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad.

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

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 31.8.2020

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