

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29185 of 2020

Applicant :- Sahil @ Mushrat

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawankumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Order on Crl. Misc. Exemption Application

The exemption application is allowed.

Order on Crl. Misc. Bail Application

Heard Sri Pawankumar Dubey, counsel for the applicant and learned A.G.A for the State.

The allegation in the FIR is that the informant is the driver of Varuna Integrated Logistics Pvt. Ltd., Bareilly and when he was sleep in the vehicle 345 cartoons of goods were stolen from the container by unknown persons.

Counsel for the applicant has submitted that the applicant was not named in the FIR. Subsequently, he was implicated in a case under Section 307 IPC and falsely implicated in this case. Recovery has been shown from the applicant but there is no public witness of the same. The applicant has criminal history of 5 cases explained in paragraph 15 of the affidavit in support of the bail application. He has been implicated in these cases after implication in the present case. He is in jail since 01.01.2020.

Learned A.G.A has opposed the bail application of the applicant but could no dispute the above arguments.

Keeping in view the nature of the offence, argument advanced on behalf of the parties, spreading of novel corona virus in jails, 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 applicant has made out a case for bail. The bail application is allowed.

Let the applicant- **Sahil @ Mushrat**, in Case Crime No. 493 of 2019, under Sections- 392 and 411 IPC, Police Station- Madnapur, District- Shahjahanpur, 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

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 :- 30.9.2020

Rohit