

**In Chamber**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 57214 of 2019

**Applicant :-** Pappu @ Hasmuddin

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

**Counsel for Applicant :-** Hitesh Pachori

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

**Hon'ble Saumitra Dayal Singh,J.**

1. The matter has been placed today in the additional cause list, in Chambers.

2. Heard Sri Hitesh Pachori, learned counsel for the applicant and Sri Vibhav Anand Singh, learned AGA for the State through video-conferencing.

3. The instant bail application has been filed on behalf of the applicant- **Pappu @ Hasmuddin** with a prayer to release him on bail in **Case Crime No.1037 of 2019, under Sections-147, 148, 149, 307, 336, 323, 504, 506, 120-B, 302 IPC, Police Station-Tajganj, District-Agra**, during pendency of trial.

4. At the outset, it has been stated that co-accused-**Haseen**, who has been similarly nominated in the FIR has already been enlarged on bail by this Court in **Criminal Misc. Bail Application No.3715 of 2020**, vide order dated **10.02.2020** in the context of general allegation against 43 accused persons with respect to one death and two injured. For the reasons contained in that order, the present applicant is also entitled for bail. Further, it has been submitted that the applicant has no criminal history.

5. This Court in **Criminal Misc. Bail Application No. 11973 of 2020 (Vijay Pratap Verma Vs. State of U.P.)** has, while enlarging the applicant (in that case) on bail vide order dated 09.04.2020, imposed certain conditions. I am in respectful agreement with the said order and propose to follow the same.

6. In view of the above, without expressing any opinion on the final merits of the case, let the applicant - **Pappu @ Hasmuddin** involved in the aforesaid case 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 which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) 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.

(iii) In case, the applicant misuses the liberty of bail during trial 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.

(iv) 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, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(vi) The computer generated copy of such order shall be self attested by the counsel of the party concerned.

(vii) 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.

7. In view of the extraordinary situation prevailing in the State due to Covid-19, the directions of this Court dated 06.04.2020 passed in **Public Interest Litigation No. 564 of 2020 (In re vs. State of U.P.)** shall also be complied. The order reads thus:

*"Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertakes to furnish required sureties within a period of one month from the date of his/her actual release."*

**Order Date :- 30.5.2020**  
Shubham