

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17585 of 2021

Applicant :- Aman Giri

Opposite Party :- State of U.P.

Counsel for Applicant :- Purushottam Mani Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in the present case and he has not committed the alleged offence. It is further submitted that two cases have been shown against the applicant in the Gang Chart and in the said cases, the applicant has been granted bail, copies of the bail orders have been annexed in the affidavit filed in support of bail application. There is criminal history of one case in which applicant has already been granted bail. It is next submitted that there is also no possibility of applicant either fleeing away from the judicial process or tampering with the witnesses. Applicant who is in jail since 18.02.2021, undertakes that he will not misuse the liberty, if granted.

Learned A.G.A. has vehemently opposed the prayer but could not dispute the aforesaid facts.

Considering the material on record as well as the dictum of Apex Court in the case of ***Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22***, larger mandate of Article 21 of the constitution of India, without expressing any opinion on the merit of the case, let the applicant- **Aman Giri**, involved in Case Crime No. 756 of 2020, under Section- 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Gaghra, District Gorakhpur, be enlarged on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

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

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 :- 30.7.2021

Rmk.