

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12550 of 2022

Applicant :- Ramakant @ Dhanshu

Opposite Party :- State of U.P.

Counsel for Applicant :- Dileep Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P. and perused the record.

The present bail application has been filed by the applicant seeking bail in Case Crime No. 680 of 2021, under Sections 392 IPC, Police Station-Shikohabad, District Firozabad.

Learned counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in the present crime. It is submitted that the case of the prosecution against the applicant is similar and identical to the co-accused Neelesh, who has already been released on bail by this Court vide order dated 08.04.2022 passed in Criminal Misc. Bail Application No.12435 of 2022. Accordingly, the applicant is also entitled for bail on the ground of parity. It is also submitted that there is no apprehension that after being released on bail, he may flee from the course of law or may otherwise misuse the liberty of bail and the applicant is in jail since 18.12.2021. In regard to criminal history, it is stated that the same has been explained in para 10 and 11 of the affidavit filed in support of the bail application and the same has also been clarified in the supplementary affidavit dated 25.04.2022 filed today which is taken on record and the same has not been disputed by the learned AGA.

Learned A.G.A. has, however, opposed the prayer for grant of bail but he has not disputed the above contention made by the learned counsel for the accused-applicant that co-accused has already been released on bail.

Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and keeping in mind that co-accused has already been released on bail by this Court and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

Let applicant **-Ramakant @ Dhanshu** be released on bail in the

aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(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 misuse 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 fail 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.

Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

Order Date :- 29.4.2022

Vinay/-