

**Court No. - 91**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 46679 of 2021

**Applicant :-** Adnan @ Osama

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

**Counsel for Applicant :-** Rama Shankar Mishra

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

**Hon'ble Krishan Pahal,J.**

Heard Mr. Rama Shanker Mishra, learned counsel for the applicant and learned AGA for the State through Video Conferencing and also perused the material placed on record.

By means of the present application, the applicant- Adnan alias Osama, seeks bail in Case Crime No. 847 of 2021, under Sections 420, 467, 468, 120-B IPC, Police Station- Sikandrabad, District- Bulandshahr, during the pendency of trial.

As per prosecution story, the applicant Adnan alias Osama is said to have forged stamp pad of the Gram Pradhan (first informant) and he used to take money from the people in lieu of affixing the stamp pad on various papers.

It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the present case. The applicant is nothing to do with the alleged stamp pad. The prosecution has not stated as to what document the applicant has fraudulently verified by affixing the stamp pad of the Gram Pradhan. The applicant does not have any criminal history to his credit. The applicant is languishing in jail since 15.09.2021 and he deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with the trial.

Per contra, learned A.G.A. has opposed the bail prayer of the applicant but he has not disputed the aforesaid fact.

Keeping in view the nature of the offence, 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- Adnan alias Osama, who is involved in aforementioned 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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 IPC.

(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., may be issued and if 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 IPC.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) 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.

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

It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

**Order Date :- 31.1.2022**

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