

Hariom Singh vs The State Of U.P. Thru. Prin.Secy. ... on 20 January, 2023

Author: Rajeev Singh

Bench: Rajeev Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2605 of 2022

Applicant :- Hariom Singh

Opposite Party :- The State Of U.P. Thru. Prin.Secy. Deptt. Of Home Lko.

Counsel for Applicant :- Neeraj Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State of U.P. and perused the record.

The present bail application has been filed on behalf of the applicant in Case Crime No.18 of 2021 under Sections 420, 468, 471 and Section 66-D I.T. Act, Police Station Cyber Crime, District Faizabad-Ayodhya, with the prayer to enlarge him on bail.

Learned counsel for the applicant has submitted that the applicant has falsely been implicated in the present case and on the basis of bogus documents, charge-sheet was prepared and there is no evidence that all these documents were prepared by the applicant, merely on the basis of confessional statement, applicant is implicated in the present case.

Learned counsel for the applicant submitted that bail has been granted to the applicant in Case Crime No.8/2021 under Sections 420, 409, 467, 468, 471, 120-B I.P.C. and Sections 66, 66-C, 66-D, 72, 73, 74 of I.T. Act, 2008, Police Station Cyber Crime, Saharanpur, vide order dated 18.7.2022 passed in Criminal Misc. Bail Application No.3490 of 2022 (photo copy of the bail order provided by learned counsel for the applicant is taken on record). He further submitted that the applicant is in jail since 22.10.2021, therefore, applicant is entitled for bail.

Learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that certain fabricated documents as well as laptop was recovered from the possession of the applicant and the contents of certificate were verified from the concerned village pradhan as well as concerned secretary but they categorically denied that no such persons mentioned in the certificates are resided in their locality. He further submitted that applicant is a resident of District Muraina, Madhya Pradesh, therefore, he is not entitled for bail but he does not dispute this fact that charge-sheet has already been filed and trial of the case in question is pending.

Considering the rival submissions of learned counsel for parties, material available on record, contents of the F.I.R., relevant documents, including bail order of this Court in Case Crime No.8/2021 passed in Criminal Misc. Bail Application No.3490/2022, I am of the view that the applicant is entitled to be released on bail.

Let applicant - Hariom Singh - be released on bail in aforesaid Case Crime, on his furnishing personal bond of Rs.50,000/- and two reliable local 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 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.

Order Date :- 20.1.2023 Gaurav/-