

Mohd Rasool vs State Of U.P. on 9 February, 2021

Author: Vivek Kumar Singh

Bench: Vivek Kumar Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7372 of 2021

Applicant :- Mohd Rasool

Opposite Party :- State of U.P.

Counsel for Applicant :- Irshad Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Supplementary affidavit filed on behalf of applicant, is taken on record.

Heard learned counsel for the applicant, Sri Sanjay Singh, learned AGA-I for the State and perused the record.

The submission of learned counsel for the applicant is that the applicant has been falsely implicated in the present case. He is innocent and has no criminal antecedent. The victim has been recovered. It is further submitted that applicant is a 60 years old person and has never kidnapped the child of the informant. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. The applicant

is languishing in jail since 23.3.2020. He undertakes that he will not misuse the liberty, if granted, therefore, he may be released on bail.

Learned AGA vehemently opposed the prayer for bail Having heard the submissions of learned counsel of both sides, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of Dataram Singh v. State of U.P. and another, (2018) 3 SCC 22, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant- Mohd. Rasool involved in Case Crime No. 246 of 2020, under Sections 363, 370 IPC, Police Station Kotwali, District Kanpur Nagar be released on bail, on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, with the following conditions:

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

The party is permitted to file a computer generated copy of this order downloaded from the official website of Allahabad High Court before the court concerned, who shall verify the authenticity of such computerized copy of the order from the official website of Allahabad High Court and shall make a declaration of such verification in writing.

Order Date :- 9.2.2021 Arti