

Imrat vs State Of U.P. on 5 August, 2020

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 54

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14036 of 2020

Applicant :- Imrat

Opposite Party :- State of U.P.

Counsel for Applicant :- Mir Sayed

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh-I,J.

Heard Sri Adil Zamal, Advocate, holding brief of Sri Mir Sayed, learned counsel for the applicant and Sri G. P. Singh, learned A.G.A. for the State.

This Bail Application (under Section 439 Cr.P.C.) has been moved for seeking bail in Case Crime No. 282 of 2019, under Sections 302 & 201 of I.P.C., P.S. Adampur, District Amroha, during pendency of the trial.

As per the F.I.R., which has been lodged by Sub-Inspector in respect of recovery of dead body of unknown person.

It has been argued on behalf of the learned counsel for the accused applicant that accused applicant has been falsely implicated in this case; his name has come into light in the statement of two witnesses namely Roop Kishore and Prem Pal that a small child aged about six years had gone missing and the accused applicant and other co-accused were involved in committing murder of the deceased taking that he would have been the person who had kidnapped the six years old child. It is further argued that there is no direct evidence connecting the accused applicant with the present crime. A large number of co-accused who have been named in the statement of the said witness, for

the said offence, have already been granted bail, copies of order have been annexed at page nos. 12 to 29 of the supplementary affidavit. The accused applicant has no criminal history; he is in jail since 02.09.2019; if the accused is released on bail, he will not misuse the liberty of bail.

Learned A.G.A. has opposed the bail but has not controverted the aforesaid facts.

Looking to the fact that there is no direct evidence; quantum of the punishment, nature of the offence and period of detention in jail, without expressing any opinion on the merits, this case is found to be a fit case for bail.

Let the applicant Imrat involved in aforesaid 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 with the following conditions that :-

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.

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

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Taking into consideration that Covid-19 is continuing and due to which certified copy would not be possible to be obtained by the applicant, therefore, if a copy of this order downloaded from the official website of Allahabad High Court and self attested by the counsel for the applicant is placed before the Court, the same would be entertained.

Order Date :- 5.8.2020 VPS