

Sefi And 2 Others 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. - 5961 of 2021

Applicant :- Sefi And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamlesh Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Heard Sri Kamlesh Kumar Dwivedi, learned counsel for the applicants, Sri Sanjay Singh, learned AGA -I, appearing for the State and perused the material brought on record.

It has been contended by the learned counsel for the applicants that the applicants have been falsely implicated in the present case due to ulterior motive. It is next contended that co-accused namely Chand Babu has already been granted bail by another Bench of this Court vide order dated 29.1.2021 passed in Criminal Misc. Bail Application No.6385 of 2021 and the case of the applicants stands on identical footings. Several other submissions in order to demonstrate the falsity of the allegations made against the applicants 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 applicants that they are ready to cooperate with the process of law and shall faithfully make themselves available before the court whenever required. It has also been submitted that the applicants are languishing in jail since

16.12.2020. It has been pointed out that the applicant has no criminal history.

Learned A.G.A. has vehemently opposed the prayer.

Having heard the submissions of learned counsel of both sides, nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment, and larger mandate of the Article 21 of the Constitution of India, the dictum of Apex Court in the case of Dataram Singh v. State of U.P. and another, reported in (2018) 2 SCC 22 and without expressing any opinion on the merit of the case, I find it to be a case of bail.

Let applicants- Sefi, Tahir and Irshad, be released on bail in Case Crime No.329 of 2020, under Sections- 272, 273, 420 IPC and Section 26 Food Safety and Standards Act, 2006, Police Station- Khandauli, District- Agra, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

1. The applicants will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. They will not tamper with the witnesses.
3. They 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 shall file computer generated copy of such order downloaded from the official website of High Court Allahabad. The concerned Court shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad.

Order Date :- 9.2.2021 Atul