

Moni@ Manisha@ Monika vs State Of U.P. on 28 June, 2022

Author: Siddharth

Bench: Siddharth

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 33

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25778 of 2022

Applicant :- Moni@ Manisha@ Monika

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Bhushan Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned A.G.A for the State.

The instant bail application has been filed on behalf of the applicant, Moni@ Manisha@ Monika, with a prayer to release her on bail in Case Crime No. 271 of 2021, under Sections- 60(1) U.P. Excise Duty / Excise Act and 272, 273, 420, 467, 468, 471 IPC & 63, 65 of the Copyright Act, 1957, Police Station- Jansath, District- Muzaffar Nagar, during pendency of trial.

Submission is that Food Safety and Standards Act, 2006 has been enacted by the legislature and hence the implication of the applicant under section 272, 273, 420, 467, 468, 471 I.P.C. is unjustified. Offence under section 63/65 of Excise Act is bailable and triable by Magistrate. False recovery has been alleged. The applicant is languishing in jail since 21.12.2021, who is not a previous convict.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, she does not deserves any indulgence. In case the applicant is released on bail she will again indulge in similar activities and will misuse the liberty of bail.

Having considered the submissions of the parties noted above, 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, let the applicant involved in the aforesaid crime be released on bail on her 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.

Order Date :- 28.6.2022 Rohit