

## **Prem Singh vs State Of U.P. on 4 July, 2022**

**Author: Siddharth**

**Bench: Siddharth**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9113 of 2022

Applicant :- Prem Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Intekhab Alam Khan,Indu Shekhar Tripathi

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 submission is that by filing complaint the FIR has been lodged under Sections - 272, 273 and 420 IPC and Section 57/58 of the Food Safety and Standards Act, Police Station- Baniyather, District- Sambhal. The applicant has been falsely implicated in this case without following procedure provided by law. The applicant is in jail since 02.02.2022 and has no criminal history to his credit.

On the other hand learned A.G.A has opposed the prayer for bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties, 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, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, Prem Singh, involved in Case Crime No. 49 of 2022, under Sections - 272, 273 and 420 IPC and Section 57/58 of the Food Safety and Standards Act, Police Station- Baniyather, District- Sambhal 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected.
5. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the complainant is free to move an application for cancellation of bail before this court.

Order Date :- 4.7.2022 Rohit