

Court No. - 51

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21557 of 2014

Applicant :- Hardeep Singh

Opposite Party :- State Of U.P.

Counsel for Applicant :- Madan Singh, Aklank Jain

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Ramesh Sinha, J.

Heard Sri Madan Singh and Sri Aklank Jain, learned counsel for the applicant and Sri Manish Dev, learned A.G.A. appearing for the State.

It has been submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is the student of B.Sc. and a false recovery pistol has been shown from his possession, which is false one. The applicant is in jail since 8.6.2014.

Learned A.G.A. opposed the prayer for bail.

Without expressing any opinion on the merits of the case and considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tempering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case.

Let the applicant **Hardeep Singh** involved in Case Crime No.364 of 2014 under Section 398 I.P.C., Police Station Katghar, District Moradabad be released on bail on his furnishing a personal bond with **two heavy sureties** each in the like amount to the satisfaction of the court concerned with the following conditions.

(i) The applicant shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicant fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii)

recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Order Date :- 30.7.2014

Dev/-