

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39893 of 2020

Applicant :- Sachin Dutta

Opposite Party :- State of U.P.

Counsel for Applicant :- Anubhav Shukla, Ram Shiromani Shukla

Counsel for Opposite Party :- G.A., Sanjay Kumar Yadav

Hon'ble Vivek Kumar Singh, J.

Counter Affidavit filed by the State is taken on record.

Heard learned counsel for the applicant, Sri Sanjay Singh, learned AGA-I for the State and perused the record.

The submission of learned counsel for the applicant is that the applicant has been falsely implicated in the present case due to ulterior motive. It is further submitted that on same set of facts different first information reports were lodged, wherein the applicant has been enlarged on bail. He place on record copy of some bail orders passed by this Court in Criminal Misc. Bail Application Nos. 35678 of 2018, 344 of 2021, 17693 of 2019, 29881 of 2020, 39026 of 2020, 350 of 2020. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant 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 applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. The applicant is languishing in jail since 20.3.2017. He undertakes that he will not misuse the liberty, if granted, therefore, he may be released on bail.

Learned counsel appearing for the opposite party vehemently opposed the prayer.

Courts have taken notice of overcrowding of jails during the current pandemic situation (Ref.: Suo Motu Writ Petition (c) No. 1/2020, Contagion of Covid 19 Virus in prisons before the Supreme Court of India). These circumstances shall also be factored in while considering bail applications on behalf of accused persons.

Having heard submissions of learned counsel of both sides, considering nature of accusation, severity of punishment in case of conviction, nature of supporting evidence, prima facie

satisfaction in support of the charge, reformatory theory of punishment, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of **Dataram Singh v. State of U.P. and another, (2018) 3 SCC 22**, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant- **Sachin Dutta** involved in Case Crime No. 1923 of 2016, under Sections 120B, 420, 467, 468, 471, 504, 506 IPC, Police Station Vijay Nagar, District Ghaziabad be released on bail, on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, with the following conditions:

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He 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.

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

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

The computer generated copy of such order shall be self attested by the counsel of the party concerned.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 3.9.2021
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