

Court No. - 65

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 20197 of 2021

Applicant :- Bijendra Singh Yadav

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Vidya Prakash Singh

Counsel for Opposite Party :- G.A., Alok Kumar Singh

Hon'ble Vivek Kumar Singh, J.

Heard learned counsel on behalf of applicant and Sri Sanjay Singh, learned AGA for the State.

The instant anticipatory bail application has been filed on behalf of the applicant, ***Bijendra Singh Yadav***, with a prayer to release him on bail in Case Crime No. 720 of 2021, under Sections 420, 467, 468, 471, 323, 504, 506 and 34 IPC, Police Station- Nandgram, District- Ghaziabad, during pendency of trial.

It is contended on behalf of the applicant that he is innocent and has been falsely implicated in the present case. The first information report has been lodged after considerable delay of more than 7 years relating to the incident of 18.02.2014. The dispute is of civil nature have been given colour of criminal prosecution to adopt shortcut methods to make illegal pressure upon the applicant. The applicant has no criminal antecedent.

Learned AGA vehemently opposed the prayer for bail.

Without expressing any opinion on the merits of the case and considering the nature of accusations and his antecedents, the applicant is entitled to be released on anticipatory bail in this case.

Let the applicant involved in the aforesaid crime be released on anticipatory bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

1. The applicant shall not leave India during the currency of trial without prior permission from the concerned trial Court.
2. The applicant shall surrender his passport, if any, to the concerned trial Court forthwith. His passport will remain in custody of the concerned trial Court.
3. That 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 them from disclosing such facts to the Court or

to any police officer;

4. The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and 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 to ensure presence of the applicant.

5. In case, the applicant misuses the liberty of bail, the trial Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98.***

6. 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 default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

Order Date :- 10.1.2022

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