

Court No. - 42

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20814 of 2020

Applicant :- Muhammad Madalee And 8 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Ahmad Naseem, Mohammad Khalid

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamsbery,J.

1. Heard Sri S.A. Naseem and Mohd. Khalid, Advocates for applicants and learned A.G.A. for State.

2. The applicants are seeking bail in Case Crime No. 125 of 2020, under Sections 269, 270 IPC, 3 Epidemic Act, 1897 and 14(b) Foreigners Act, 1946, Police Station Kareili, District Prayagraj.

3. Learned counsel for the applicants has submitted that the applicants have been falsely implicated in the present case. According to allegations made in the first information report, during COVID-19 Pandemic, the applicants were hidden without any information to the administration and the pandemic protocol could not be followed by them. Further submission is that the applicants are nationals of Thailand and they came India on valid passport and visa and they did not violate any provision of law including the Foreigners Act. There is no fault in the visa and passports of the applicants. Learned counsel for the applicants has further submitted that the applicants have no previous criminal history and there is no possibility of fleeing away from the judicial process or tampering with the witnesses and in case, the applicants are enlarged on bail, the applicants shall not misuse the liberty of bail. The applicants have been in jail since 21.04.2020, hence, they are entitled to bail. Similarly situated accused have been granted bail by this Court.

4. Learned A.G.A. has vehemently opposed the prayer for grant of bail to the applicants but could not dispute the aforesaid facts as argued by the learned counsel for the applicants. It has also been submitted that after investigation, the police has submitted charge sheet in the matter.

5. Considering the facts and circumstances of the case as well as submissions made by learned counsel for the parties and subject to the pandemic protocol,

validity of visa and passport of the accused-applicants, without expressing any opinion on merit of the case, this Court is of the view that the applicants may be enlarged on bail.

6. Let applicants-**Muhammad Madalee, Hasan Pacho, Sitthipogn Limoolsuk, Surasak Lamoolsuk, Arsen Thomya, Abdul Basir Yeedoromae, Abdunlah Maming, Oapdun Wahab Wimutikan** and **Romlee Kolae**, involved in aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:-

- (i) The applicants shall not indulge in any criminal activity.
- (ii) The applicants shall not tamper with the prosecution evidence.
- (iii) The applicants shall not pressurize the prosecution witnesses.
- (iv) The applicants shall regularly appear on the dates fixed by Trial Court unless their personal attendance is exempted by Trial Court.

7. In case of default of any of the conditions enumerated above, Court concerned will be at liberty to cancel the bail and send the applicants to prison.

8. The bail application is allowed.

Order Date :- 24.8.2020

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Court No. - 42

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20833 of 2020

Applicant :- Idrus Umar And 6 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Ahmad Naseem, Mohammad Khalid

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamsbery,J.

1. Heard Sri S.A. Naseem and Mohd. Khalid, Advocates for applicants and learned A.G.A. for State.

2. The applicants are seeking bail in Case Crime No. 47 of 2020, under Sections 188, 269, 270, 271 IPC, 3 Epidemic Act, 1897 and 14(b) Foreigners Act, 1946, Police Station Shahganj, District Prayagraj.

3. Learned counsel for the applicants has submitted that the applicants have been falsely implicated in the present case. According to allegations made in the first information report, during COVID-19 Pandemic, the applicants were hidden without any information to the administration and the pandemic protocol could not be followed by them. Further submission is that the applicants are nationals of Indonesia and they came India on valid passport and visa and they did not violate any provision of law including the Foreigners Act. There is no fault in the visa and passports of the applicants. Learned counsel for the applicants has further submitted that the applicants have no previous criminal history and there is no possibility of fleeing away from the judicial process or tampering with the witnesses and in case, the applicants are enlarged on bail, the applicants shall not misuse the liberty of bail. The applicants have been in jail since 21.04.2020, hence, they are entitled to bail. Similarly situated accused have been granted bail by this Court.

4. Learned A.G.A. has vehemently opposed the prayer for grant of bail to the applicants but could not dispute the aforesaid facts as argued by the learned counsel for the applicants. It has also been submitted that after investigation, the police has submitted charge sheet in the matter.

5. Considering the facts and circumstances of the case as well as submissions made by learned counsel for the parties and subject to the pandemic protocol,

validity of visa and passport of the accused-applicants, without expressing any opinion on merit of the case, this Court is of the view that the applicants may be enlarged on bail.

6. Let applicants-**Idrus Umar, Ade Kustina, Samsul Hadi, Imam Safii Sarno, Satijo Joedijono Bedjo, Hendra Simbolon** and **Dedik Iskandar**, involved in aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:-

- (i) The applicants shall not indulge in any criminal activity.
- (ii) The applicants shall not tamper with the prosecution evidence.
- (iii) The applicants shall not pressurize the prosecution witnesses.
- (iv) The applicants shall regularly appear on the dates fixed by Trial Court unless their personal attendance is exempted by Trial Court.

7. In case of default of any of the conditions enumerated above, Court concerned will be at liberty to cancel the bail and send the applicants to prison.

8. The bail application is allowed.

Order Date :- 24.8.2020

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