

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33001 of 2020

Applicant :- Anshu Malan @ Vineet Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Nasiruzzaman, Mohit Kumar Jaiswal

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Heard learned counsel for the applicant and learned AGA for the State.

The instant bail application has been filed on behalf of the applicant, **Anshu Malan @ Vineet Kumar** with a prayer to release him on bail in Case Crime No. 487 of 2018, under Sections 384 IPC & 66D I.T. Act, Police Station Tappal, District- Aligarh during pendency of trial.

The allegation in the first information report is that in whats app a message was posted making allegation against the informants that they are members of a gang involved in theft of children. The first information report has been registered alleging that the reputation of the informants have been maligned. Applicant is said to be group admin. of the aforesaid whats app group. He has no criminal history and is in jail since 30.07.2020.

Learned AGA has opposed the prayer for bail of the applicant.

Having considered the material on record, 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, let the applicant involved in the aforesaid crime 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 with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely

without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored. In case court below is functioning normally, this condition will not apply and applicant shall be enlarged on bail on execution of bail bond and two sureties to the satisfaction of the court below.

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

7. 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.

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

Order Date :- 12.10.2020

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