

**Court No. - 27**

**Case :-** BAIL No. - 1086 of 2021

**Applicant :-** Amar Bahadur Chaudhary

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** O.P. Tiwari, Rajendra Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Alok Mathur, J.**

1. Heard learned counsel for the applicant and the learned AGA for the State.
2. This instant bail application has been filed by the applicant seeking bail in F.I.R./Case Crime No. 0825 of 2020 Under Section - 466, 467, 471 I.P.C., Police Station - Kotwali, District - Unnao.
3. Learned counsel for the applicant has submitted that applicant is innocent and falsely implicated in the aforesaid case. It has been submitted that the allegation against the applicant that on a News Channel it was shown that the applicant is working as Nursing Assistant in the Avani paridhi communication Product Ltd. Fone Break Avenue Near Honda Hospital, Lucknow was taking Rs. 1500/- for preparing false Covid-19 report. He has submitted that he is not responsible for making the reports of Covid -19 as he is only a Nursing Assistant and that it could not be demonstrated till date that the report which was prepared with regard to the said persons named in the F.I.R. was a false report.
4. It has further been submitted that applicant is languishing in jail since 16.12.2020 and there is no criminal history of the accused. The counsel contends that there is no possibility of the applicant fleeing away from justice or tampering with the witnesses. In case the applicants are enlarged on bail, they shall not misuse the liberty of bail.
5. Learned AGA opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicants.
6. 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 tampering 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.

7. Let the applicant, namely, **Amar Bahadur Chaudhary** involved in F.I.R./Case Crime No. 0825 of 2020 Under Section - 466, 467, 471 I.P.C., Police Station - Kotwali, District - Unnao 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 which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that she would 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 her 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 misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her 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 her in accordance with law.

8. The bail application is accordingly **disposed of**.

**(Alok Mathur, J.)**

**Order Date :- 28.1.2021**

Ravi/