

Court No. - 28

Case :- BAIL No. - 5380 of 2020

Applicant :- Pravesh Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawan Bhaskar, Naved Mumtaz Ali

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

The present application under Section 439 Cr.P.C. has been filed seeking bail in FIR No.203 of 2019 under Sections 394 and 411 IPC, Police Station Bheeti, District Ambedkar Nagar.

The complainant got registered an FIR alleging that on 14.10.2019 at around 8.30 PM the complainant, who was running State Bank Grahak Sewa Kendra, was coming back from the branch having Rs.3,50,000/- in his bag. Two persons riding on Pulsar motorcycle came and snatched the bag containing Rs.3,50,000/-. The accused-applicant as well as co-accused were arrested. From the possession of co-accused, Rs.75,000/- was recovered, whereas from the possession of the accused-applicant Rs.4,500/- was recovered. Accused Abhishek Singh @ Akki has stated that Rs.3,50,000/- looted from the complainant was divided between them. The accused-applicant has long criminal history of nine cases, including one case under Section 307 IPC. However, he has been enlarged on bail in the aforesaid cases, except the case under the Gangsters Act. The accused-applicant has been in jail since 14.11.2019.

Learned counsel for the accused-applicant submits that accused-applicant is ready and willing to deposit some amount, which can be withdrawn by the complainant without prejudice to his rights and contentions.

Learned AGA has opposed the prayer for bail, but not disputed the above facts.

Considering the above facts and circumstances of the case, coupled with the contentions raised by the learned counsel for both sides, and without entering into the merit of the case, the applicant is entitled to be released on bail.

Let applicant **Pravesh Tiwari** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following

conditions :-

(i) The applicant shall deposit Rs.1,00,000/- (Rs.One Lakh) with the trial court within a period of four weeks from the date of his release and the trial court after due verification, shall disburse the said amount to the complainant. In case of failure to deposit the aforesaid amount within the said period, this order shall be deemed to be cancelled and the accused-applicant shall be taken into custody forthwith.

(ii) The applicant shall file an undertaking to the effect that he shall 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.

(iii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his 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 him, in accordance with law, under Section 174-A of the Indian Penal Code.

(v) 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 him in accordance with law.

(vi) The party shall file self attested computer generated copy of such order downloaded from the official website of High Court Allahabad and 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 :- 18.12.2020/Rao/-