
(2013) 06 AHC CK 0049
In the Allahabad High Court

Shravan Kumar Yadav S/o Banarasi Yadav	APPELLANT
Vs	
State of U.P.	RESPONDENT

Date of Decision : 27-06-2013

Acts Referred:

Citation : (2013) 06 AHC CK 0049

Hon'ble Judges : Het Singh Yadav, J

Final Decision : Dismissed

Judgement

Het Singh Yadav,J.

1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.
2. This Court has already granted bail to the applicant in the same crime number under section 3/7 of Essential Commodities Act. However, subsequently the investigating officer filed chargesheet under sections 407, 420, 379, 120B IPC also. It is pointed out by the learned counsel for the applicant that the investigating officer has added aforesaid sections on the basis of evidence collected at the time implicating the applicant under section 3/7 of Essential Commodities Act. Thus, there is no prima facie evidence showing complicity of the applicant in the offence under sections 407, 420, 379, 120B IPC added subsequently, therefore, the applicant who is in jail since 09.12.2012 deserves to be enlarged on bail in respect of the alleged offence under the newly added sections.
3. Learned A.G.A. strongly repudiates the submission made as above. However, it is not disputed by him that no fresh evidence was collected by the investigating officer to implicate the applicant under the newly added sections after the date when he was enlarged on bail under section 3/7 of Essential Commodities Act in the same crime number.
4. Considering the points pertaining to the nature of accusation, prima facie satisfaction regarding proposed evidence and severity of punishment raised as

above by the learned counsel of both the sides and on perusal of record, the court is of the view that the applicant deserves to be enlarged on bail.

5. Let the applicant, Shravan Kumar Yadav who is involved in case crime No. 388 of 2012, under sections 407, 420, 379, 120B IPC, Police StationMughalsarai, DistrictChandauli be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

(i) 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 him to disclose such facts to the Court or to any other authority.

(ii) The applicant shall remain present before the court on the date fixed for hearing in the case and will cooperate in the trial. In case of unavoidable circumstances for remaining absent, he shall immediately give intimation to the court concerned through counsel and request be made to the trial court that he may be permitted to be present through counsel.

(iii) He will not misuse the liberty of the bail and will not repeat any such instance in future.

6. Deviation of any of the above conditions shall entail cancellation of bail. The trial court shall decide the case expeditiously uninfluenced by the observations made hereinabove.