

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36733 of 2020

Applicant :- Akhilanand Rao

Opposite Party :- State of U.P.

Counsel for Applicant :- Vimal Kumar Pandey

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, **Akhilanand Rao**, with a prayer to release him on bail in Case Crime No. 500 of 2020, under Sections 419, 420, 120B IPC 66D of I.T Act, Police Station Kotwali, District- Deoria during pendency of trial.

There is allegation that applicant has made objectionable remarks against the Chief Minister of the State and other public representatives. The first information report has been lodged by the police. It is also alleged that he has falsely shown his status and tried to obtain undue advantages.

Learned counsel for the applicant has submitted that it is a case of false implication by the police. Applicant is in jail since 12.05.2020 and has criminal history of 11 cases explained in para 11 of the affidavit filed in support of the bail application.

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.

8. Applicant will not use social media for a period of two years or till the conclusion of trial before the Trial Court, whichever is earlier.

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

Order Date :- 2.11.2020

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