

In Chamber

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12757 of 2020

Applicant :- Sachin Choudhary

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Tandon

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

In view of the guidelines laid down by this Court, the urgent bail applications have been directed to be heard through Video Conferencing.

Written objection has been filed by Sri Arvind Kumar, learned AGA, which is taken on record.

Heard Shri G.S. Chaturvedi, learned Senior Counsel assisted by Sri Abhishek Tandon and Sri Prashant Vyas, learned counsels for the applicant through Video Conferencing.

Order on Criminal Misc. Exemption Application

This exemption application is allowed.

Order on Criminal Misc. Bail Application

The instant bail application has been filed on behalf of the applicant, **Sachin Choudhary**, with a prayer to release him on bail in **Case Crime No. 0198 of 2020, under Sections 188, 269, 270, 271, 124-A, 505, 153-A, 153-B IPC and 66-A, 67 of Information Technology (Amendment) Act, 2008 and 56 of Disaster Management Act, 2005, Police Station Amroha Nagar, District- Jjotiba Phule Nagar (Amroha)**, during pendency of trial.

It is submitted by learned counsel for the applicant that the offences alleged against the applicant are not made out. At the most offence of defamation can be said to have been committed by the applicant against the Prime Minister and Chief Minister of the State. The ingredients of other offence alleged against the applicant are not made from the allegations on record. The applicant is in jail since 11.4.2020.

Learned AGA has opposed the prayer for bail of the applicant through written objection.

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.
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. The applicant shall not use social media till the conclusion of trial.

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

Order Date :- 20.5.2020
Ruchi Agrahari