

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13747 of 2021

Applicant :- Gaurav @ Gaura

Opposite Party :- State of U.P.

Counsel for Applicant :- Zia Naz Zaidi, Atul Kumar, Dharmendra Pratap Singh, Praveen Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh, J.

Seeking exemption from personal appearance pursuant to the order of this Court dated 9.11.2021 an exemption application of Director General of Police, U.P. is being filed by the State Counsel along with an affidavit of compliance separately. Both are taken on record.

Sri Brijesh Sahai, learned Senior Advocate assisted by Ms. Zia Naz Zaidi, learned counsel appears for the applicant; Sri M.C. Chaturvedi and Sri Manish Goyal, learned Additional Advocate Generals assisted by Sri Sanjay Singh and Sri Rishi Chadha, learned Addl. Government Advocates have put in appearance on behalf of the State.

Learned Addl. Advocate General Sri Manish Goyal tendering unconditional apologies has very fairly acceded failure of Government Advocate's office in communicating the order of this Court dated 04.10.2021 to the State authorities. He submits that the applicant has placed an erroneous chart of cases and it does not bring forth the real picture and conduct of the applicant which had been cardinal premise of this Court's order calling out the Police Authorities. He seeks exemption of the Director General of Police for today on the ground of assignment with Hon'ble Prime Minister's visit at Varanasi and submits that the Senior Superintendent of Police, Muzaffar Nagar, who is present in the Court, being the senior most officer of the District shall provide adequate assistance to the Court regarding rationale in imposition of criminal cases against the applicant after awarding costs by Human Rights Commission in his favour. Sri Prem Prakash, Addl. Director General of Police, Prayagraj Zone, Prayagraj is also present.

State functions as a safeguard of citizens on all fronts, thus, heavy handed exercise of powers resulting unforeseen situations which comprehend mischief to lives call for interference of the Court. This Court discerns it difficult eschewing from considering such circumstance.

Mentioning status of few cases in the chart as untrue does not render applicant's implication justified after imposing costs by Human Rights Commission against the police. Though, learned counsel for the applicant prior to place any material before the Court should have gone through its uprightness. As prayed, learned counsel for the applicant is granted time to file reply to the affidavit of compliance filed by the State.

Put up this case on 05.1.2022 in the additional cause list. The appearance of D.G.P., U.P., Lucknow is exempted in the case, however, the Senior Superintendent of Police, Muzaffar Nagar shall appear on the next date along with the records of the case.

Office shall provide a copy of this order to Sri Manish Goyal, learned Additional Advocate General.

Order Date :- 13.12.2021

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