

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22359 of 2021

Applicant :- Faizan Allahbadi

Opposite Party :- State of U.P.

Counsel for Applicant :- Maimoona Fatima

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

This application was presented on 19.05.2021 and it is urged that on the said date, all the District Courts were either actually locked down or virtually inaccessible because of the widespread restrictions on movement of persons. The office of the District Court at Aligarh was not accepting any applications compelling the applicant to file this bail application directly before this Court online.

This Court must remark, however, adverse the circumstances, the doors of justice ought not to become totally inaccessible. It not only burdens this Court with avoidable work, but also puts a citizen, already suffering hardships to the rigour and expense of approaching the High Court in the first instance to secure his liberty. This Court cannot appreciate the Judgeship of Aligarh for shutting its doors to all kinds of applications/ causes, that may genuinely require attention during the Covid-19 pandemic. Once the police are about their job of arresting those whom they say have committed crime, there has to be a Judge available to hear bail pleas at the headquarters, where the arrest is made. The non-availability of a Judge at the Headquarters seriously invades a citizen's liberty, where virtually there is a remand Magistrate to send a person arrested to jail, but no Judge, at least in the Sessions, to consider his bail plea.

In the circumstances, this bail application filed way back on 19.05.2021 is **entertained**.

Learned A.G.A. states that the applicant has a criminal history of five cases, of which only one has been disclosed in paragraph no.14 of the affidavit.

Learned Counsel for the applicant is granted a week's time to file a supplementary affidavit, disclosing and explaining his criminal history.

Lay this matter as fresh again on **09.07.2021**.

Order Date :- 1.7.2021/Anoop