

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3629 of 2020

Applicant :- Sepher Kaini

Opposite Party :- State of U.P.

Counsel for Applicant :- Tahir Husain

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

This bail application is being disposed of as per the order dated 04.04.2020 of Hon'ble the Chief Justice.

Written submission received on line from the learned counsel for the applicant is taken on record. Written objection received from Sri O.P. Misra is also taken on record.

The allegation against the applicant is that he is national of Iran. He came to India for studies and has stayed in the country on the basis of concocted documents. It is a case of over staying the period of visa granted to the applicant. Learned counsel for the applicant has relied upon the order of this Court dated 2.5.2019 passed in the case of, Li Zikum, in Criminal Misc. Bail Application No.13890 of 2019, which was the case of similar nature regarding a student of China. The applicant is in jail since 17.09.2019.

Keeping in view the nature of the offence, evidence on record regarding complicity of the accused, 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, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Sepher Kaini**, who is involved in Case Crime No. 168 of 2019, under Section 419, 420, 467, 468, 471 I.P.C and under Section 14 of Foreigners Act, Police Station- Sonauli, District- Maharajganj, 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The accused-applicant shall furnish a personal bond and two reliable sureties, one of whom will be resident of

district Maharajganj with immoveable property in the like heavy amount to the satisfaction of the court concerned.

2. The accused-applicant, through District Legal Services Authority, Maharajganj, will file his application to concerned Passport Office as well as Emigration Office for re-issuance of Passport that is extension of period of Passport and Visa issued to him and his release from jail will be after extension of period of Passport and Visa by the authorities concerned. But under Rules if it is needed that the accused-applicant shall be personally present before the authorities concerned then he shall be produced in the office concerned by the Superintendent of Jail for completing formalities for the re-issuance or extension of period of Passport and Visa.

3. The accused-applicant shall be released from jail subject to the satisfaction of the C.J.M., Maharajganj, upon the report of the Superintendent, District Jail, Maharajganj, after issuance and regularization of the Passport and Visa of the applicant. Passport shall be surrendered before the trial court along with address of abode of accused-applicant within the jurisdiction of the Sessions Court, Maharajganj.

4. Then after the accused-applicant shall not leave jurisdiction of the above court without prior permission of the court concerned.

5. The accused-applicant will not tamper with the evidence. He will not flee from course of justice and will not misuse the liberty of bail in any way.

6. The applicant will not indulge in any criminal activity.

7. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in early disposal of the above criminal trial.

8. The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

Order Date :- 15.4.2020

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