

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35710 of 2020

Applicant :- Hasae @ Hasana Wae And 8 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Abrar Ahmad Siddiqui, Mohd. Kalim

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Heard learned counsel for the applicants and learned A.G.A. for the State.

The instant bail application has been filed on behalf of the applicants, **Hasae @ Hasana, Sobree, Yusop, Hares, Abdul Rorsa, Surachai, Makhosee, Maropee and Hasan Mina** with a prayer to release them on bail in **Case Crime No. 198 of 2020 under Sections 188, 269, 270, 271 I.P.C., Section 3 of Pandemic Act, 1897 and Section 14-B, Foreigner Act 1946, Police Station- Sadar Bazar, District- Shahjahanpur**, during pendency of trial.

The allegation against the applicants is that they are residents of Thailand and had come to attend Markaz at Nizamuddin, New Delhi. Thereafter, they went to Shahjahanpur and their host did not give information on their arrival to Shahjahanpur to the District Magistrate and therefore, they have been implicated in this case.

Learned counsel for the applicants has submitted that all the offences alleged against the applicants are bailable except Section 14-B of Foreigner Act, 1946. The applicants have been implicated on account of fault committed by Masiullah etc., who are residents of the country and were required to inform the District Magistrate about their presence in Shahjahanpur. The applicants have no criminal history to their credit and are in jail since 30.04.2020.

Learned A.G.A. has opposed the prayer for bail of the applicants.

Keeping in view the nature of the offence, argument advanced on behalf of the parties, spreading of novel corona virus in jails, 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, let the applicants involved in the aforesaid crime be released on bail on their 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 applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicants shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicants shall not indulge in any criminal activity or commission of any crime after being released on bail.
4. In case the applicants have been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court, their bail shall be effective after the period of short term bail comes to an end.
5. The applicants 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 the court below is functioning normally, this condition will not apply and the applicant shall be enlarged on bail on execution of personal 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.

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

Order Date :- 5.11.2020

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