

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3837 of 2020

In Re. :- Criminal Misc. Correction Application No. 4 of 2020

Applicant :- Vinod Baruaar

Opposite Party :- State of U.P.

Counsel for Applicant :- Shahroze Khan, Mohitosh Singh

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir, J.

The prayer is that the applicant's name, which is shown as "**Vinod Baruaar**" in the cause title of the bail application and also in the rejection order dated 04.09.2019 passed by the learned Additional Sessions Judge/F.T.C.-II, Siddharthnagar, in Bail Application No. 731 of 2019, may be corrected to "**Vinod Kumar Baruaar**". It is submitted by learned counsel seeking correction, that despite this Court passing an order granting bail in *Criminal Misc. Bail Application No. - 3837 of 2020*, on 09.04.2020, relating to Case Crime No. 101 of 2019, under Section 8/19 N.D.P.S. Act, Section 4/411, 413 I.P.C., Police Station - Dumariyaganj, District - Siddharthnagar, the applicant has not yet been released from jail. It appears that the jail authorities refused to comply with the release order passed in this case, because the name mentioned in the release order was "Vinod Baruaar", whereas that in the remand sheet, his name is "Vinod Kumar Baruaar". It is on that small technicality that the Jail Superintendent/Jailer has flouted the bail order of this Court by refusing to release the applicant. In those circumstances, the applicant made an application for correction of the applicant's name to the learned Trial Judge, who logically refused to correct the name in the release order, contrary to the order passed by this Court, by means of his order dated 02.11.2020. The conduct of the Jailer/Jail Superintendent, whoever has

refused to release the applicant, Vinod Baruaar, is not only reprehensible, but also contumacious.

This Court does not appreciate our orders being flouted with impunity. This Court fails to understand that when the applicant's name mentioned in the bail rejection order is "Vinod Baruaar", then why "Kumar" must be added to the name mentioned in the bail order, in order to make it effectual. This kind of a trifling of mistake pointed by the Jail Authorities must invite severe punishment, unless there is a serious doubt or dispute about the identity of the applicant. That, apparently, is not the case here. The sole purpose of not complying with the bail orders for all these eight months appears to be, *prima facie*, an obstinate attitude of the jail administration in carrying out the orders of this Court. In the process, they have deprived a citizen of his liberty, without any just or reasonable cause, since April, 2020 till date. This illegal deprivation of liberty is patently an illegal confinement and that too, during these perilous CoViD-19 times.

This correction application stands **rejected** with orders that the applicant, **Vinod Baruaar, with that name**, shall be **forthwith** released upon a release order to be passed by learned Special Judge (Rape and POCSO Act Cases), Court No. 2, Siddharthnagar **within the time period of 24 hours**, in terms of the bail order dated 09.04.2020 passed by this Court. The Jailer/Jail Superintendent, wherever the applicant is interned, shall, in compliance with the release order passed by the learned Special Judge (Rape and POCSO Act Cases), Court No. 2, Siddharthnagar, **forthwith release the applicant**, without raising any objection about absence of "Kumar" to his name. A compliance report shall be submitted by the learned Special Judge (Rape and POCSO Act Cases), Court No. 2,

Siddharthnagar to this Court **tomorrow i.e. 08.12.2020 at 02:00 p.m.**

The Jail Superintendent/Jailer, after complying with the order, shall appear before this Court **tomorrow i.e. 08.12.2020 at 02:00 p.m.** and explain why appropriate departmental inquiry may not be recommended against him.

Let this order be communicated to the learned Special Judge (Rape and POCSO Act Cases), Court No. 2, Siddharthnagar through the learned District Judge, Siddharthnagar, and to the Jailer/Jail Superintendent, through the learned Chief Judicial Magistrate, Siddharthnagar, by the Joint Registrar (Compliance), **forthwith.**

Order Date :- 7.12.2020

I. Batabyal