

ITEM NO.12 Court 6 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2442/2020

(Arising out of impugned final judgment and order dated 07-08-2019 in CRL.MBA No. 14194/2019 passed by the High Court Of Judicature at Allahabad)

HARISH AGARWAL @ SONU

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH

RESPONDENT(S)

(IA No.42974/2020-EXEMPTION FROM FILING O.T. and IA No.42977/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-08-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. S. K. Bhattacharya, AOR
 Mr. Niraj Paonam, Adv.
 Mr. Dilip Agarwal, Adv.
 Mrs Poonam Agarwal, Adv.
 Mrs Seema Sharma, Adv.

For Respondent(s) Ms. Garima Prashad, Sr. Adv./AAG
 Mr. Vishnu Shankar Jain, AOR

UPON hearing the counsel the Court made the following
O R D E R

An Application filed for bail by the petitioner who is involved in offences under Sections 302/34, 109 of the Indian Penal Code, which was rejected by the High Court. It was mentioned in the order of the High Court that the petitioner was granted bail on 14.07.2017, which was the subject matter of the Special Leave Petition filed in this Court. The order of bail granted by the High Court was cancelled by this Court on 23.04.2018.

The petitioner has been in jail since 14.05.2018. Another application for bail was filed by him before the Trial Court which was rejected. Thereafter, he approached the High Court and sought for bail, which was dismissed, giving rise to this Special Leave Petition.

We are informed that all the material witnesses have been examined. There are at least 30 more witnesses to be examined and it does not appear that the trial will be completed soon.

In the facts and circumstances of this case, we are of the opinion that the petitioner deserves to be released on bail and he is directed to be released on bail subject to the following conditions:

1. The petitioner shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence, if the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law;
2. The petitioner shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;
3. In case, the petitioner misuses the liberty of bail and in order to secure his presence proclamation under

Section 82 of the Code of Criminal Procedure is issued and the petitioner fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code;

4. The petitioner shall remain present, in person, before the trial court on the dates fixed for trial. If, in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

With these directions/observations, the Special Leave Petition stands disposed of.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER