

In Chamber

Case :- APPLICATION U/S 482 No. - 10697 of 2020

Applicant :- Pradeep Kumar

Opposite Party :- State Of U.P. And Anr.

Counsel for Applicant :- Anand Ji Mishra, Kaushal Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Ajit Kumar, J.

Heard Sri Anand Ji Mishra, learned counsel for the applicant, Sri R.P. Bhatt, learned Additional Government Advocate for the State through video-conferencing and perused the records.

By means of the present application the applicant has invoked inherent jurisdiction of this Court u/s 482 Cr.P.C. for the reason that in spite of bail granted by the court below vide order dated 22nd May, 2020 in connection with Case Crime No.- 30 of 2020 under Section 132(1) Central Goods and Services Tax Act, 2017, the applicant could not be released for want of sureties as per the conditions mentioned in the bail order.

It has been argued by the learned counsel for the applicant that Meerut district itself is a "Red Zone" declared as such due to Pandemic Covid-19, as per the guidelines of the Central Government as well as State Government and so he has not been able to produce sureties and resultantly the applicant could not be released.

Learned counsel for the applicant has further relied upon the judgment of the Division Bench of this Court dated 6th April, 2020 in Public Interest Litigation (PIL) No.- 564 of 2020 in which in the concluding part it has been directed thus:-

"Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertakes to furnish required sureties within a period of one month from the date of his/her actual release.

The order be published in the official website of this Court. A soft-copy of this order shall be sent to all concerned Courts and Tribunals; the learned Advocate General; the learned Additional Solicitor General of India; the learned Assistant Solicitor General of India; State Public Prosecutor and

the Chairman of Bar Council of Uttar Pradesh."

In view of the above, therefore, the applicant, namely, Pradeep Kumar is directed to be released on bail in Case Crime No.- 30 of 2020 (State v. Pradeep Kumar) under Section 132(1)1 Central Goods and Services Tax Act, 2017, P.S.-Commissionerate, District- Meerut on his furnishing a personal bond only to the satisfaction of the jail authorities, where the applicant is languishing.

It is further provided that this order as well as the bail order available on the official website of the High Court will be taken to be the authentic one.

However, it is further directed that within a period of four weeks from the date of lifting of the complete lock-down in the District concerned resulting in resumption of normal functioning of the Courts in that district, the applicant shall furnish two sureties each of the like amount to the satisfaction of the court concerned alongwith certified copy of the bail order, failing which the bail granted by this court shall stand cancelled necessitating surrender of the applicant.

It is further directed that the applicant shall not misuse the liberty of bail and shall cooperate with the police/ investigating agency/ trial as the case may be.

Office of the Government Advocate is directed to forthwith inform about this order to the S.P./ S.S.P. of the district concerned for necessary information to the jail authority where the applicant is languishing.

In view of the aforesaid observations/ directions, this application stands disposed of.

Order Date :- 4.6.2020

Atmesh