

Reserved

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15042 of 2021

Applicant :- Amitabh Thakur

Opposite Party :- State Of U.P. Thru Addl. Prin.Secy. Home Lucknow

Counsel for Applicant :- Amit Jaiswal Ojus Law,Abhineet Jaiswal,Ambrish Singh Yadav,Deepak Kumar,Gaurav Mehrotra,Nadeem Murtaza,Vikas Vikram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard Shri Nadeem Murtaza, learned counsel for the applicant and Shri V.K. Shahi, learned Additional Advocate General assisted by Shri Prachish Pandey, learned A.G.A. for the State.

2. The present bail application has been filed by the applicant in F.I.R. No. 309 of 2021, under Sections 120-B, 167, 195-A, 218, 306, 504, 506 IPC, Police Station Hazratganj, District Lucknow with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submitted that the applicant has falsely been implicated in the present F.I.R. No. 309 of 2021 lodged by Sub-Inspector, Daya Shankar Dwivedi. It has further been submitted that applicant is a law abiding citizen and is active on social media. The applicant is a graduate in Mechanical Engineering and alumni of Indian Institute of Technology, Kanpur and Indian Institute of Management, Lucknow. The applicant is also an Ex IPS Officer of 1992 batch of U.P. Cadre and he has always been a socially conscious person towards the public at large. It has further been submitted that the applicant always raised his voice against the victimization of the civilised persons either by the Government machinery or by others and referred the matter to the appropriate forum with the request for taking necessary action, on account of which, frivolous cases were filed against him and he has been compulsorily retired from service vide order dated 17th March, 2021 and consequential order dated 21st March, 2021.

4. Learned counsel for the applicant submitted that the facts of the case are that on 5th November, 2020, an acquaintance of the applicant shared a video link on his WhatsApp, which was of 10:08 minutes uploaded on social media Facebook, wherein a man (hereinafter referred to as 'Y') was accusing the then Sub-Inspector Mr. Sanjay Rai, Circle Officer, Bhelupur, Varansi and

one Atul Rai of torturing him. He was also accusing District Administration of Varansi as being responsible for his ordeal. In the aforesaid video, Y was continuously venting out his anger as aggrieved by the action of the aforesaid officials. Apprehending some untoward incident, the applicant being a responsible and prudent citizen, besides being an IPS Officer, tagged the aforesaid video on his Twitter handle and Facebook to the concerned officials of U.P. Police on their official ID and requested to take cognizance on the issue as also to conduct inquiry in the same for ventilating the grievance of Y. The applicant also sent email on the same day, i.e., on 05.11.2020 to the concerned officials. Shri Nadeem Murtaza, learned counsel for the applicant submitted that after the aforesaid action of the applicant, on the very next day, i.e., on 6th November, 2020, applicant was contacted by several persons on social media informing him that said matter pertains to one Atul Rai, who happens to be the Member of Parliament from Ghosi. It was also informed to the applicant that one Ms. X and Mr. Y had conspired with one Angad Rai and had got the Atul Rai implicated in a false rape case. Applicant also received a copy of the inquiry report of Circle Officer, P.S. Bhelupur, District Varansi dated 08.08.2020 and audio call recording purported to be call recording between Y and another person, who was informed as Angad Rai.

5. After perusal of the aforesaid inquiry report dated 08.08.2020, the applicant learnt that one F.I.R. No. 548 of 2019 was lodged by one girl (friend of Y, hereinafter referred to as 'X') against Atul Rai, under Sections 420, 376, 504, 506 I.P.C., P.S. Lanka, District Varansi. In the inquiry report, it was mentioned by the Circle Officer that in collusion with some persons, Angad Rai, who was detained in District Jail, Sonbhadra hatched a conspiracy for implicating Atul Rai in a false case. It is also mentioned in the inquiry report that for 13672 times, conversation was made by prisoner-Angad Rai with others, including Y. Inquiry Officer also recommended for conducting further investigation under Section 173(8) Cr.P.C. in the aforesaid F.I.R. Learned counsel for the applicant submitted that the applicant vide e-mail sent a letter dated 06.11.2020 and informed to the concerned officials about the aforesaid inquiry report dated 08.08.2020 as well as audio recording that for 13672 times, conversation was made by Angad Rai from Sonbhadra jail by mobile Nos. 7634825814 and 6392335822. Learned counsel for the applicant vehemently submitted that the applicant was neither acquainted with X or Y and nor with Atul Rai. Shri Murtaza submitted that by the said act, the applicant, being a police officer, only tried to attract the responsible officers towards the report of Circle Officer, which reveals that more than 10,000 times, conversation was made

by a person from inside the jail and the safety and security of the jail was on stake.

6. Learned counsel for the applicant submitted that on 6th November, 2020, at about 9.18 p.m., the applicant received a phone call from a lady from mobile No. 9415490022. She introduced herself as X and was very infuriated by the action of the applicant, whereby the applicant had requested to concerned officials to take strict legal action in the matter through his social media posts. X threatened and intimidated the applicant on call and kept saying that she would come to Lucknow and self-immolate in front of applicant's house. The said call lasted for 10:41 minutes. Thereafter, on the very next day, i.e., on 7th November, 2020, at about 11.42 a.m., the applicant received another call of Y from same Mobile No. 9415490022, which lasted for about 8:07 minutes and more or less, repeated the similar threatening to the applicant, which X did on previous night. Shri Murtaza submitted that both, X and Y, while talking to the applicant on 06.11.2020 and 07.11.2020, had threatened and intimidated that both of them will come to the residence of applicant and commit suicide in front of his house. The applicant, apprehending the mishap, immediately reported the Director General of Police, U.P., Lucknow vide letter dated 07.11.2020 about the aforesaid calls made by X and Y to the applicant. Thereafter, on 09.11.2020, at about 3.30 p.m., both (X and Y) came to the residence of the applicant, but at that point of time, the applicant was not at his house, however, his wife was there. Both (X and Y) stayed outside the house for about 35-40 minutes and during the said period, they created huge ruckus by recording Facebook live video of applicant's house and his wife and created atmosphere of threatening and howling. It has been submitted that compelled by the said act of X and Y, applicant made complaint against them on Jan Sunwai Portal on 10.11.2020, which was registered as F.I.R. No. 991 of 2020 on 15.12.2020 under Sections 504, 506, 507 I.P.C., P.S. Gomti Nagar, District Lucknow.

7. On 16th August, 2021, through news reports, the applicant learnt that X and Y tried to self immolate in front of Hon'ble Supreme Court by pouring some inflammable substance and putting fire. The police and the security personnel tried to douse the flame and took them to the hospital, but both succumbed due to their injuries in the hospital. It was also telecasted on TV news that just before the incident, X did Facebook Live for about 10 minutes, in which, she made accusations against Atul Rai of harassing her and Y by implicating them in a false case, as she had filed a case against him. The TV news further reported that

during the said Live video, X had also levelled serious allegations against applicant along with Mr. Amit Pathak (Senior Superintendent of Police, Varansi), Mr. D.P. Singh, Mr. Amresh Singh (Cricle Officer, P.S. Bhelupur), Mr. Sanjay Rai (Inspector), Vivek Rai Vats s/o Sanjay Rai and Mr. Alok Srivastava, (Judge, MP/MLA Court) and alleged that aforesaid officials were harassing them in order to save Atul Rai.

8. It has next been submitted that taking cognizance of the shocking video of self- immolation of X and Y, Government of Uttar Pradesh vide Government Order dated 17th August, 2021 issued an office order, whereby two Members' Committee comprising Director General of Police, U.P. Police Recruitment Board, Lucknow and Additional Director General of Police, Women & Child Protection Organization, Lucknow (hereinafter referred to as 'Committee') was constituted to probe into all the matters pertaining to the deceased persons. Formulating the following four points, the Committee was directed to submit its report within a period of two weeks, which are as under:

- a. Detailed review of proceedings conducted in all the F.I.R.s registered by the victim Ms. X since 2019 till date.
- b. Detailed review of proceedings conducted in all the F.I.R.s registered against Ms. X and her aide.
- c. Review of proceedings conducted on application/representations moved by Ms. X from time to time.
- d. Investigation of allegations levelled by Ms. X against several police officers/public servants and others prior to self-immolation on 16.08.2021 outside the premises of Hon'ble Supreme Court."

In furtherance thereof, the applicant was called by the Committee and he appeared on 24.08.2021 at 11 a.m. to record his statement. The applicant was again directed to appear before the Committee on 26.08.2021. Vide another letter dated 25.08.2021, a copy of the application dated 10.11.2020 moved by X was made available to the applicant and was directed to record his statement with respect to allegations contained therein.

9. Learned counsel for the applicant submitted that in the complaint dated 10.11.2020 allegedly given by X to SSP, Varansi, provided by the Committee to the applicant, false allegations were levelled that applicant had taken money from Atul Rai and is harassing X and Y. In the said complaint, she further alleged that she was aggrieved by the messages posted by the applicant on social media and requesting the authorities for taking action. She further alleged that the applicant was airing wrong messages on the social site. It is also alleged in the said complaint that X made a call to the applicant and asked that knowing the fact the

report of Circle Officer, P.S. BHELUPUR is not the final outcome of the case, the same was published by the applicant on social site with the intention to demean her prestige and why she is being compelled to commit suicide. (Copy of the complaint dated 10.11.2020 of X is annexed as Annexure 7 to the bail application.

10. Learned counsel for the applicant vehemently submitted that the allegations levelled against the applicant are totally frivolous and, as a matter of fact, as per conversation in between the Y and the applicant on 07.11.2020, Y asked the applicant that if applicant wants to help, then applicant had to give him money per month. Learned counsel for the applicant submitted that this fact is mentioned in enclosure of Parcha No. CD 21, which is annexed with the counter affidavit as SCA 5 to the supplementary counter affidavit.

11. Shri Murtaza submitted that after submission of the inquiry report by the Committee, the F.I.R. No. 309 of 2021 (supra) was lodged on the written complaint of Sub-Inspector Daya Shankar Dwivedi with the allegation that from the inquiry report of the Committee dated 27.08.2021, it reveals that in the F.I.R. No. 548 of 2019, under Sections 376, 420, 504, 506 I.P.C., P.S. LANKA, District Varansi lodged by X, charge sheet was filed against the accused of the aforesaid case, due to which, the accused of F.I.R. No. 548 of 2019 lodged seven cases against X and Y with the intention to make pressure on them. It is further alleged in the F.I.R. that on 10th November, 2020, X moved an application to SSP, Varansi with the allegation that the applicant had taken money from the accused Atul Rai and was framing false evidence against X and Y and she was being instigated for self immolation. In her application, X also made allegations that accused Atul Rai and his associates were victimizing her physically and mentally and also making pressure for change of her statement and destroying the evidence. She also made allegations that the applicant is also airing wrong information on the social media for demeaning her prestige. She also alleged that in the night of 6-7th November, 2020, Y made a call to her and informed that he was mentally disturbed and told that after taking money from Atul Rai, one IPS (applicant) is airing incorrect information in relation to F.I.R. No. 548 of 2019, whereby, the connection of Y is being shown with the criminals. In the said application, X also alleged that knowing the fact that the report of Circle Officer, P.S. BHELUPUR is not final outcome of the case, the applicant is trying to tarnish the image of X and she is being compelled for self immolation.

In the present F.I.R. No. 309 of 2021 (supra), allegation has been made that X and Y committed suicide on 16th August, 2021 after Live video on Facebook, in

which, they made allegations against the applicant along with others for instigating them to self immolate.

12. Submission of the learned counsel for the applicant is that there is allegation in the F.I.R. of taking money from Atul Rai for tarnishing the image of X, but there is no such evidence. He further submitted that charge sheet is already filed under Sections 120B, 167, 195A, 218, 504, 506, and 306 I.P.C. and except Section 306, all the offences are punishable for less than seven years. Learned counsel for the applicant submitted that Section 306 I.P.C. makes abetment of suicide a criminal offence prescribes punishment for the same. Abetment is defined under Section 107 I.P.C., according to which, a person abets the doing of a thing, who instigates any person to do that thing; or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or intentionally aids, by any or illegal omission, the doing of that thing.

13. Relying on the recent judgment of the Hon'ble Supreme Court in the case of **Geo Varghese Vs. State of Rajasthan & Anr., 2021 SCC Online SC 873**, learned counsel for the applicant submitted that in our country, while suicide in itself is not an offence, as a person committing suicide goes beyond the reach of law, but an attempt to suicide is considered to be an offence under Section 309 IPC. The abetment of suicide by anybody is also an offence under Section 306 IPC.

It would be relevant to set out Section 306 of the IPC, which reads as under:

"306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

Though, the IPC does not define the word 'Suicide' but the ordinary dictionary meaning of suicide is 'self-killing'. The word is derived from a modern latin word '*suicidium*', 'sui' means 'oneself' and 'cidium' means 'killing'. Thus, the word suicide implies an act of 'self-killing'. In other words, act of death must be committed by the deceased himself, irrespective of the means adopted by him in achieving the object of killing himself.

14. Section 306 of IPC makes abetment of suicide a criminal offence and prescribes punishment for the same. Abetment is defined under Section 107 of IPC which reads as under:—

"107. Abetment of a thing - A person abets the doing of a thing, who—

First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.—Whoever either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."

The ordinary dictionary meaning of the word 'instigate' is to bring about or initiate, incite someone to do something. Learned counsel for the applicant submitted that the Hon'ble Apex Court, in the case of **Ramesh Kumar Vs. State of Chhattisgarh, (2001) 9 SCC 618**, has defined the word 'instigate' as under:—

"Instigation is to goad, urge forward, provoke, incite or encourage to do an act."

15. Shri Murtaza also submitted that the scope and ambit of Section 107 IPC and its co-relation with Section 306 IPC has been discussed repeatedly by the Hon'ble Apex Court. In the case of **S.S. Cheena Vs. Vijay Kumar Mahajan, (2010) 12 SCC 190**, it was observed as under:—

"Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide."

Further, in the case of **M. Arjunan Vs. State, Represented by its Inspector of Police, (2019) 3 SCC 315**, Hon'ble Apex Court has expounded the ingredients of Section 306 IPC in the following words:—

"The essential ingredients of the offence under Section 306 I.P.C. are : (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of

suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C."

Hon'ble Supreme Court in another case of **Ude Singh Vs. State of Haryana, (2019) 17 SCC 301**, elucidated on the essential ingredients of the offence under Section 306 IPC in the following words:—

"16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above-referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased."

16. Shri Murtaza vehemently submitted that in the present case, there is no evidence of instigation against the applicant. Further, there is no evidence that the applicant played an active role by an act of instigation or by doing an act that facilitated the commission of suicide and there is no *mens rea*. It is also submitted that conviction under Section 306 I.P.C. is not sustainable without there being a

proximity to the time of occurrence on the part of the accused. Reliance has also been placed on the decisions of the Hon'ble Apex Court in the cases of **Amalendu Pal @ Jhantu Vs. State of West Bengal (2010) 1 SCC 707**, **S.S. Chheena Vs. Vijay Kumar Mahajan & Anr. (2010) 12 SCC 190**, **M. Arjunan Vs. State represented by Inspector of Police (2018) SCC OnLine SC 2808**, **Gurcharan Singh Vs. State of Punjab (2017) 1 SCC 433**, **Ramesh Kumar Vs. State of Chhattisgarh (2001) 9 SCC 618**, **Madan Mohan Singh Vs. State of Gujarat & Anr. (2010) 8 SCC 628** and **Rajesh Vs. State of Haryana (2020) 15 SCC 359**.

17. It has next been submitted that the charge sheet has been filed in the matter and there is no possibility of tampering of any evidence. Learned counsel for the applicant lastly submitted that the trial is not going on and the applicant is in jail since 27.08.2021. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the investigation.

18. Shri V.K. Shahi, learned Additional Advocate General assisted by Shri Pracheesh Pandey, learned A.G.A. vehemently opposed the prayer for grant of bail to the applicant. Learned AAG further submitted that incident of rape was committed by Atul Rai with X on 07.03.2018, but when her F.I.R. was not lodged, she made a complaint to Director General of Police, on which, F.I.R. No. 548 of 2019 (supra) was lodged on 1st May, 2019 under Sections 420, 376, 504, 506 I.P.C., P.S. Lanka, District Varansi against accused Atul Rai and charge sheet was filed by the Investigating Officer after detail investigation in the said case. He also submitted that the trial of the said case is pending before MP/MLA court as S.T. No. 407 of 2019. Learned AAG submitted that father of the said accused Atul Rai moved an application before the SSP/Additional Director General, Varansi Zone for further investigation, on which, report was asked from Circle Officer, P.S. Bhelupur, District Varansi, who after conducting the inquiry in a case where charge sheet was already filed and trial is going on, recommended for further investigation. Learned AAG vehemently submitted that the copy of the inquiry report was taken by the applicant by abusing his position and aired the said report of the Circle Officer in relation to further investigation on social media with the intention to give favour to the accused Atul Rai. Shri Shahi next submitted that the accused has no right to request for further investigation. Further, the inquiry report of Circle Officer, which was aired by the applicant on social media was demeaning the dignity of X, on which, she made a complaint to SSP, Varansi on 10.11.2020 and alleged that the applicant is associated with Atul Rai and he is airing incorrect information on social

media in relation to F.I.R. No. 548 of 2019 (supra). In the said application, she also stated that X and Y talked to the applicant, but no satisfactory answer was given by him. She further alleged in the said application that so many vulgar comments were being made by the associates of Atul Rai. Thereafter, they committed suicide. Learned AAG submitted that the conduct of the applicant comes into the category of instigation. He also relied on the relevant part of the case diary, those are annexed with the counter affidavit, in which, the conversation of X and Y along with applicant are mentioned. It is, thus, submitted that the applicant is not entitled for bail.

19. I have considered the arguments of the learned counsel for the applicant, learned AAG for the State and gone through the contents of bail application, its enclosures as well as counter and rejoinder affidavits and the entire case diary of the case.

20. It is evident from the allegations made in the F.I.R. No. 309 of 2021 lodged by Sub-Inspector, Daya Shankar Dwivedi that the applicant had aired the report of Circle Officer, P.S. Bhelupur, District Varansi dated 08.08.2020, which was forwarded to S.S.P., Varansi, in which, certain observations were made that X and Y conspired with Angad Rai (who is confined in District Jail, Sonbhadra) for implicating Atul Rai. In the said report, it is also mentioned that there were conversations in between Y and Angad Rai and other persons for more than 10,000 times. The Circle Officer, vide report dated 08.08.2020 also recommended for further investigation of F.I.R. No. 548 of 2019, which was lodged by X against Atul Rai, of which, trial was pending before the appropriate court. Allegations made in F.I.R. No. 309 of 2021 are that due to said airing of the report on social media, so many vulgar comments were passed by several persons on X and Y, on the social sites, which were tarnishing the image of X and Y, on account of which, they committed suicide. The crux of the allegations made in the F.I.R. No. 309 of 2021 is that the applicant, who by misusing his position, obtained the aforesaid report of the Circle Officer and aired the same on social sites, which tarnished the image of X and Y and, thus, has committed the offence under Sections 120-B, 167, 195-A, 218, 306, 504 and 506 IPC.

21. However, the case diary reveals that one application was moved by the father of Atul Rai for further investigation of F.I.R. No. 548 of 2019 lodged by X, on which, report was sought by the SSP, Varansi from the Circle Officer, P.S. Bhelupur. It is further evident that in pursuance of the said directions of SSP, Varansi, report

dated 08.08.2020 was submitted by the Circle Officer. It is also evident from the case diary that under Right to Information Act, the said report was provided by the officials of the competent police officials to the complainant. Moreover, Parcha No. 21 of the case diary reveals that Y, during the conversation with the applicant on phone on 07th November, 2020, asked the applicant, if he wants to help the Y, then applicant had to give him money per month.

22. Admittedly, the charge sheet is already filed and there is no averment in the counter affidavit for tampering any evidence. The applicant is in jail since 27.08.2021. The application stands allowed.

23. Let applicant - Amitabh Thakur be released on bail in F.I.R. No. 309 of 2021, under Sections 120-B, 167, 195-A, 218, 306, 504, 506 IPC, Police Station Hazratganj, District Lucknow, on his furnishing personal bond of Rs.20,000/- and two reliable sureties each of the like amount, subject to following conditions:-

(i) Applicant will not try to influence the witnesses or tamper with the evidence of the case or otherwise misuse the liberty of bail.

(ii) Applicant will fully cooperate in expeditious disposal of the case and shall not seek any adjournment on the dates fixed for evidence when witnesses are present in the Court.

(iii) Applicant shall remain present, in person, before the trial court on the dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 313 Cr.P.C.

Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

24. Photocopy of the case diary of the present case is hereby returned to the learned A.G.A.

March 14, 2022

VKS