

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10660 of 2021

Applicant :- Lakshman Kumar Narayan

Opposite Party :- State of U.P.

Counsel for Applicant :- Raj Kumar Kesari, Ajay Kumar Mishra, Atul Kumar Srivastava, Awashesh Kumar, Dheeraj Kumar Singh, Ramesh Kumar Mishra

Counsel for Opposite Party :- G.A., Harindra Prasad, Jagdish Singh Maurya, Vikas Kumar

Hon'ble Pankaj Bhatia, J.

1. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.

2. Heard learned counsel for the applicant, learned counsel for the informant, learned AGA and perused the record.

3. The FIR in question was lodged, alleging that some unknown persons had withdrawn Rs. 60 lacs through net banking from the bank account of informant.

4. It is submitted by learned counsel for the applicant that applicant was not named in the first information report. His name as an accused in the present case surfaced for the first time in the confessional statement of co-accused Ramakant. He further submits that the applicant is languishing in jail since 26.12.2020 and he has suffered substantial period of incarceration in an offence which are otherwise punishable upto seven years. He further submits that the applicant has filed supplementary affidavit to demonstrate that only one witness of fact has been examined on behalf of prosecution so far and in view of the above, there is no likelihood of the applicant's conviction in the present case. The applicant who has no criminal antecedents to his credit, hence he is entitled to be enlarged on bail during pendency of the trial.

5. Learned AGA has opposed the bail application.

6. Considering the fact that the applicant was not named in the FIR, considering the statement of PW1 Jagdish Kumar informant of the case and considering the period of incarceration, the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

7. Let the applicant **Lakshman Kumar Narayan** be released on bail in FIR No. 602 of 2020, under Sections 419, 420 I.P.C. and section 66 I.T. Act, P.S. Saini, district-Kaushambi on his furnishing

a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 2.11.2023

Faridul