

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19176 of 2023

Applicant :- Shivam Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Maurya, Satish Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Satish Sharma, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 02 of 2023, under Sections 419, 420, 467, 468, 471 IPC and Section 66-C and 66-D I.T. Act, Police Station Cyber Crime, District Azamgarh during pendency of the trial.
3. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant. The first bail application of the applicant was dismissed by this Court vide order dated 14.02.2023 passed in Criminal Misc. Bail Application No. 5105 of 2023 and he is pressing the the instant second bail application on the ground that applicant is in jail since 10.01.2023.
4. He further submits that in the charge-sheet there are as many as 12 prosecution witnesses but till date not even charges could be framed, therefore, it appears that trial of the case is moving with languid pace and there is no hope of early disposal of the trial, therefore, applicant should be released on bail.
5. Per contra, learned AGA opposed the prayer for bail and submitted that allegations against the applicant are serious in nature and after considering the entire facts of the case, the first bail application of the applicant was dismissed and in the present matter applicant is in jail only since 10.01.2023 and punishment under Section 467 IPC can be extended up to life imprisonment, therefore, it would not be appropriate to release the applicant on

bail merely on the ground that he is in jail since 10.01.2023.

6. I have heard learned counsel for the parties and perused the record of the case.

7. From the record, it reflects that this is second bail application. The first bail application of the applicant was dismissed by this Court vide order dated 14.02.2023 and from perusal of order dated 14.02.2023 it appears that applicant used to open fake accounts on the basis of fake documents, therefore, allegations made against the applicant are serious in nature, therefore, I find force in the argument advanced by learned AGA that merely on the ground that applicant is in jail for nine months, he should not be released on bail.

8. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

9. Accordingly, the instant bail application is rejected.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 18.10.2023

AK Pandey