

Court No. - 80

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19567 of 2023

Applicant :- Chandrabhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Chandra Sharma,J.

This criminal misc bail application was nominated by the Hon'ble Chief Justice.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

It is submitted that in this case F.I.R. was lodged against unknown persons with allegation that applicant withdrew amount from his own account, thereafter, informed on toll free number that someone has withdrawn the money from his account and on the basis of this information amount was paid to the applicant again by the Bank. This was done fraudulently on the part of the applicant on many occasions. Further submitted that applicant was not named in the F.I.R. but was brought into light during investigation by showing the amount of Rs. 39,500/- to be credited in his account. He is innocent and has done no such transaction from the bank. The allegation of making interference in the A.T.M. machine has also been made but there is no evidence on record to show that he has done such thing. Applicant is languishing in jail since 31.03.2023 having no criminal history and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Learned A.G.A. opposed the prayer for bail.

Considering the facts and circumstances of the case, the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the applicant as well as learned A.G.A. for the State and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

Let the applicant **Chandrabhan** involved in Case Crime No.04 of 2022, under Sections 419, 420, 120-B I.P.C. & Section 66 & 66D Information Act, Police Station Cyber Crime Police Thana,

Jhansi, District Jhansi, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected.
5. 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.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 20.11.2023

Suraj Srivastav