

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42667 of 2022

Applicant :- Rahul

Opposite Party :- State of U.P.

Counsel for Applicant :- Reena Pal, Adarsh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Adarsh Srivastava, learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 686 of 2022, under Sections 420, 467, 468, 471 I.P.C 66-D of The Information Technology Act, 2008, Police Station- Kavi Nagar, District- Ghaziabad, during the pendency of trial.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. Learned counsel for the applicant contends that the applicant has no connection with the present case. He does not know the complainant or his details. The co-accused has already been enlarged on bail by the court below. Copy of the order is annexed as Annexure No. 2 to the affidavit. The name of applicant has not been mentioned in the F.I.R. No money has been credited to his account or any of his bank account. There is no criminal antecedent to his credit. Only on the basis that 18 SIM cards were found in possession of the applicant, the bail application was rejected. The applicant is languishing in jail on 26.6.2023. The charge-sheet has been submitted. There is no likelihood to disposal of the case in near future. It has not been proved that any card out of aforementioned SIM Cards was used in commission of crime.

4. Considering the above mentioned facts and circumstances and arguments advanced by the learned counsel for applicant, the case is made out in favour of the applicant. Learned counsel for the applicant has lastly submitted that the applicant is in jail since 02.06.2022. In case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not

satisfactorily dispute the aforesaid submissions from the record.

6. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Rahul**, involved in the aforesaid case crime 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 the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

8. 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 :- 12.12.2023

Vinod.