

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37121 of 2023

Applicant :- Vinay Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Shekhar Kushwaha

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. The instant matter is nominated to this Bench vide order dated 17.11.2023 passed by Hon'ble Chief Justice.
2. Heard Sri C.S. Kushwaha, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA for the State.
3. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 276 of 2021 under sections 419, 420, 467, 468, 471, 409 IPC, Police Station Kotwali, District Maharajganj.
4. According to the prosecution case, applicant was posted on contractual basis in Vikash Khand and he along with other accused persons duped around Rs.80,00,000/- of the government.
5. Learned counsel for the applicant submits, entire allegations are false and admittedly applicant is a petty employee who was posted in the block on contractual basis and he was not in a position to dupe any money. It is further submitted that number of other co-accused persons including computer operators have already been released on bail. He further submits that accountant and other accountable officers duped the money and as the applicant is a petty contractual employee, he has been made accused in the present matter.
6. He further submits, all the offences are triable by Magistrate First Class and applicant is in jail since 21.7.2023 i.e. for last more than four months. He further submits that however applicant is having criminal history of three other cases but the same has been explained in the instant bail application.
7. *Per contra*, learned A.G.A. opposed the prayer for bail but he could not dispute the fact that only general allegations have been leveled against the applicant and number of other accused persons have already been released on bail and the applicant is in jail for the last four months.
8. I have heard all sides and perused the record of the case.

9. However, from the record, it is reflected that serious allegation of duping public money amounting to Rs.80,00,000/- has been leveled against the applicant and other accused persons but from the record, it is also reflected that applicant was a contractual employee and number of other co-accused persons including the computer operator have already been released on bail by this Court and the record further suggests that only general allegations have been leveled against the applicant. However, applicant is also having previous criminal history of about three cases which has been duly explained in the instant bail application. All the offences are triable by Magistrate First Class and applicant is in jail since 21.7.2023 i.e. for last more than four months.

10. Therefore, considering the facts and circumstances of the case as discussed above, I am of the view that applicant is entitled to be released on bail.

11. Accordingly, without expressing any opinion on the merits of the case, the instant application is **allowed**.

12. Let the applicant **Vinay Maurya** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

13. In case of breach of any of the above conditions, the prosecution will be at liberty to move an application before this Court for cancellation of bail of the applicant.

14. 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 :- 4.12.2023

Madhurima