Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38064 of 2023

Applicant :- Vikas Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- Vinod Kumar,Sumit Kumar Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

This application has been moved on behalf of the applicant **Vikas Kumar** seeking his bail in Case Crime No.216 of 2023, under Sections 420, 467, 468 and 471 I.P.C., Police Station Barsana, District Mathura.

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

It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. He has not committed the present offence. He has no concern with the present matter. It is submitted that applicant who is working as Assistant Manager from Accountant in HDFC Bank in Jaswant Nagar District Etawah was held with co-accused Amit Singh by the police with 2 mobile phones,10 forged Aadhar Cards and 10 HDFC Account Kit have been recovered. He further submits that there is no independent witness of the alleged recovery. Learned counsel for the applicant has submitted that co-accused person, Amit Singh has already been granted bail by Co-ordinate Bench of this Court vide order dated 17.10.2023 passed in Criminal Misc. Bail Application No.41879 of 2023. The applicant has no criminal history except the present one. Applicant is languishing in jail since 19.07.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial. The Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

On the other hand, learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid fact.

It reveals from the perusal of record that the applicant has not been arrested on spot and his name came to light on the basis of statement of co-accused, who were arrested on spot, and incriminating articles were recovered from their possession. Nothing has been recovered from the applicant. Criminal history of two cases under minor offence has been pointed out. The applicant has not been identified by the informant / victim, rather it is said that when the accused persons were talking to each other by their name, he came to know the name of the present applicant. Applicant is said to be in jail since 19.07.2023. Grounds taken in the bail application are sufficient. Hence, keeping in view the nature of the offence, evidence, complicity of accused, severity of punishment, submissions of the learned counsel for the parties, the dictum of Apex Court in the case of **Dataram Singh vs. State of U.P. and another, (2018) 3 SCC 22** 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 Vikas Kumar involved in Case Crime No. 216 of 2023, under Sections 420, 467, 468 and 471 I.P.C., Police Station Barsana, District Mathura be be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

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.

5. 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.

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.

Submission and observation recorded in the matter are only for the purpose of deciding the bail application. Trial court shall not be influenced in any way with the said observation / submission while deciding the trial.

Order Date :- 26.10.2023
Imtiyaz

Digitally signed by :-
IMTIYAZ AHMAD
High Court of Judicature at Allahabad