

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39005 of 2023

Applicant :- Rohit Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Prasad Mishra

Counsel for Opposite Party :- G.A., Sanjay Srivastava

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Jitendra Prasad Mishra, learned counsel for the applicant, learned AGA for the State and perused the record. Sri Sanjay Srivastava, learned counsel for the informant is not present even in the revised call.

2. By means of this bail application applicant seeks bail in Case Crime No.26 of 2023, under Sections 406, 420, 388, 506, 120B, 411 IPC, Police Station Naubasta, Kanpur Central District Kanpur Nagar, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. It is also contended that the applicant is not named in the FIR. His name has come into picture during the course of investigation in the statement of the co-accused. It is further contended that no amount has been received by the applicant in his account as alleged by the informant side. The applicant has confessed his guilt before the police and stated that he had provided the ATM, passbook of Kuldeep of LDFC Bank and HDFC Bank to one Sachin Bansal who has already been enlarged on bail by Sri Shesh Bahadur Nishad, Additional Sessions Judge, Court No.9, Kanpur Nagar on 03.10.2023 whereas the first bail application filed by Sachin Bansal had already been rejected on 19.07.2023. Learned counsel for the applicant claims parity submitting that when the bail application filed on behalf of Sachin Bansal has already been allowed by the District Court, the judicial propriety demands that the bail application of the present applicant be also allowed. There is no likelihood of her abscondence or tampering with the evidence. The applicant is languishing in jail since 10.06.2023. In case the applicant is released on bail, she will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects could not be disputed.

5. It is a matter of concern that when the first bail application of Sachin Bansal was already rejected, how second bail application was entertained even after submission of the charge-sheet and how the bail was granted to Sachin Bansal. However, considering the role and long incarceration of the applicant is jail but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Rohit Kumar**, involved in the aforesaid case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

(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.

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

8. A copy of this order be sent to the District Judge, Kanpur Nagar to look into the matter and in this regard take a note in the personal record of the concerned officer if he deems it fit.

Order Date :- 9.11.2023

Shahroz