

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40893 of 2023

Applicant :- Sushil Kumar Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Seema Singh, Ramesh Chandra Chaturvedi, Tripti Chaturvedi

Counsel for Opposite Party :- G.A., Santosh Kumar Tripathi

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Ramesh Chandra Chaturvedi, learned counsel for the applicant, Sri Santosh Kumar Tripathi, learned counsel for the informant and learned A.G.A. for the State and perused the records.
2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 473 of 2017, under Sections 419, 420, 467, 468, 471, 409 IPC, Police Station- Phoolpur, District- Prayagraj, during pendency of the trial.
3. From perusal of the record it transpires that applicant was the Branch Manager, Sahara India, Sewa Kendra, Phoolpur, Prayagraj in the year 2015 to 2016. In the year 2017 an F.I.R. had been lodged for an embezzlement amount of Rs. 3,82,000/- which has already been deposited by the applicant and other employees.
4. Learned counsel for the applicant submits that though he was the Branch Manager, but the cashier of computer Incharge were also responsible for the alleged offence. There is no previous criminal antecedents of the applicant. The applicant is languishing in jail since 24.06.2023, in case he is enlarged on bail, he will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
5. Learned A.G.A. as well as learned counsel for the informant have 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, **Sushil Kumar Sharma** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 2.11.2023

Vikram