

Court No. - 84

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39585 of 2023

Applicant :- Satish Kumar Pathak

Opposite Party :- State of U.P.

Counsel for Applicant :- Pulak Ganguly, Raja Sahani

Counsel for Opposite Party :- G.A., Chandan Sharma

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Learned counsel for the applicant and Ms. Sudha Singh holding brief of Sri Chandan Sharma are present.

In compliance of order dated 10.10.2023, a draft of Rs. 7100/- in the name of Mridula Singh has been handed over to Ms. Sudha Singh, learned Advocate on behalf of Sri Chandan Sharma to hand over this draft to Mridula Singh immediately.

The supplementary affidavit filed by the learned counsel for the appellant is kept on record.

Heard learned counsel for the applicant, learned counsel for the first informant and perused the record.

This is the second bail application under Section 439 Cr.P.C. moved by the applicant - Satish Kumar Pathak to enlarge him on bail in Case Crime No. 195 of 2023 under Sections 419, 420, 467, 468, 471, 380 I.P.C., Police Station Kotwali, District Deoria. It is submitted that the first bail application of the applicant was rejected by this court on 17.07.2023.

The only ground argued by the learned counsel for the applicant is that in compliance of court order, the applicant has paid the amount of Rs. 4,90,000/- along with interest by a bank draft in the name of Mridula Singh.

The prayer of bail is not opposed by the learned counsel appearing on behalf of the opposite party no. 2.

As per FIR, the allegation is that from the account of first informant an amount of Rs. 4,90,000/- was transferred to the account of Satish Kumar Pathak, the present appellant on

08.01.2023. It was also alleged that amount of Rs. 3,90,000/- and 1,45,000/- were also transferred from the account of the first informant to the account of Om prakash yadav on 25.11.2022 and 05.01.2023 respectively without the knowledge of the first informant. The amount alleged to be transferred in the account of the present appellant has been returned with interest by the bank draft in the court and the matter is yet to be decided on merit. The applicant is languishing in jail since 17.03.2023.

Hence, in the changed circumstances the ground of bail is made out. After perusing the record in the light of the submissions made at bar and taking an overall view of all the facts and circumstances of this case, the nature of accusations, severity of punishment in case of conviction, the period of detention already undergone, the unlikelihood of early conclusion of trial without commenting on the merits of the case, this Court is of the view that the applicant may be enlarged on bail.

The bail application is allowed.

Let the applicant Satish Kumar Pathak involved in Case Crime No. 195 of 2023 under Sections 419, 420, 467, 468, 471, 380 I.P.C., Police Station Kotwali, District Deoria be released on bail on his furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge himself in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and will co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.

In case of breach of any conditions mentioned above, the trial court will be at liberty to cancel the bail of the applicant.

Order Date :- 13.10.2023

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