

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40276 of 2023

Applicant :- Vinay Kumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Abdul Mazeed, Mohd. Naseer Ahmad

Counsel for Opposite Party :- G.A., Surendra Mohan Mishra

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.
2. The instant bail application, under Section 439 Cr.P.C of the Code of Criminal Procedure, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 118 of 2023, under Sections 406, 420, 504, 506 I.P.C, Police Station- Geeda, District Gorakhpur, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case due to ulterior motive. He has never been convicted in the past.
4. It is argued by the learned counsel for the applicant-accused that from the very beginning the amount was taken for the purpose of employment of the son of the informant as the father of the accused was in Railway Department, in Gonda District.
5. The learned A.G.A contended that if such defence has been taken, the same would be more serious charge against the applicant.
6. However, learned counsel for the applicant further contended that when no such *Katauni* or *Khasara* of land which was shown to the informant by the applicant and his

father and brother was not the owner of the any such land.

7. It is very much clear that since very beginning the intention of the accused-applicant was only to cheat and play fraud with the informant and also to grab the money with dishonesty and playing fraud upon the complainant. It has been proved and it has also been admitted to the applicant that a sum of Rs. 15,50,000/- (fifteen lac fifty thousand) has been received through R.T.G.S. transaction by the accused-applicant from the informant in his saving bank account. In this connection an offer was given by the informant that if the aforesaid amount returned back, the bail application of the applicant may be considered liberally, but the learned counsel for the applicant is not ready for that.

8. Considering the facts and circumstances of the case, this Court is of the considered view that the grounds mentioned in the bail application are neither sufficient nor satisfactory to release the applicant on bail. The bail application is devoid of merit and is liable to be dismissed at this stage.

9. Accordingly, the bail application is rejected at this state.

Order Date :- 8.11.2023

Vinod.