

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40371 of 2023

Applicant :- Dheeraj Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.291 of 2022, under Sections 420, 406, 467, 468, 471 IPC, Police Station Kotwali Nagar, District Etah, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has falsely been implicated in the present case. It is further submitted that as per notary affidavit filed by way of supplementary affidavit the applicant has accepted that he has received Rs.4,00,000/- from the informant for the purpose of FD but due to some clerical and paper mistakes, the same could not be prepared, therefore, it is very much clear that the applicant has no *mala fide* intention in that regard. It is also contended that there is criminal history of three cases against the applicant which has been explained in paragraph-20 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 09.04.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA but he could not dispute the aforesaid submission of the counsel for the applicant.

5. Considering the fact, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Dheeraj Tiwari**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond

and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (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.

Order Date :- 31.10.2023
Shahroz