

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40943 of 2023

Applicant :- Mahipal

Opposite Party :- State of U.P.

Counsel for Applicant :- D.M.Tripathi,Nagendra Pratap Singh

Counsel for Opposite Party :- G.A.,Sandeep Kumar Chaturvedi

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri N.P. Singh, learned counsel for the applicant, S.K. Chaturvedi, learned counsel for the informant as well as learned A.G.A. for the State and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 782 of 2019 (Case No. 111802 of 2021) under Sections 419, 420, 406 I.P.C., Police Station- Khorabar, District- Gorakhpur, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is neither owner of the alleged property nor he has executed any agreement of sale and only being an employee of the institution, the applicant had received the alleged money in his account on the instruction of the Managing Director of the institution. The applicant is in jail since 29.08.2023, having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.
4. Today a Demand Draft to the tune of Rs. 16,00,000/- (Sixteen lakhs) in the name of Umesh Chandra Gupta of Punjab National Bank bearing No. D. No. 4532-Finacle- RCC, Gorakhpur Finacle, has been handed over to the counsel for the informant by the learned counsel for the applicant. Learned counsel for the applicant also submitted that an amount of Rs. 4,00,000/- (Four Lakh) has already been paid by the applicant to the informant.
5. Upon the aforesaid transaction, the learned counsel for the informant submitted that he has no objection in case the applicant is enlarged on bail.
6. Having regard to the submissions made above and the fact that

the applicant has remained confined for more almost three months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Mahipal**, involved in aforesaid case 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.

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 :- 24.11.2023

S.Verma