

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42608 of 2023

Applicant :- Ankit @ Anit

Opposite Party :- State of U.P.

Counsel for Applicant :- Sandeep Kumar Srivastava

Counsel for Opposite Party :- G.A.,Amit Kumar Srivastava

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Sandeep Kumar Srivastava, learned counsel for the applicant, Sri Amit Kumar Srivastava, learned counsel for the informant, Sri R.M. Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.417 of 2023, under Sections 420, 406, 504 and 506 I.P.C., Police Station Hasanpur, District J.P. Nagar (Amroha), during the pendency of trial.
4. As per prosecution story, the applicant alongwith two other co-accused persons, namely, Satveer and Nemsingh, is stated to have usurped an amount of Rs.7 lakhs on the pretext that the election shall be reversed, as such he shall be declared winner in it. But neither the election result was reversed nor the money was returned to the informant by the applicant and other co-accused persons. Later on, the applicant is stated to have even promised the informant that his son shall be granted a job in Indian Railways.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. He has nothing to do with the said offence. The role of the applicant is shown to have introduced the informant to the co-accused persons, Satveer and Nemsingh. Two years prior to the institution of the present FIR, the co-accused Satveer had instituted an FIR against the informant itself, as such he has nothing to do with the said offence.
6. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon

at length. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 18.08.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that cheques of Rs.3 lakhs and Rs.6 lakhs were issued by the applicant and the co-accused persons to the informant, which were dishonored, as such he has no intention to return the said amount.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the case of Negotiable Instrument Act has been converted into criminal case, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Ankit @ Anit**, who is involved in aforementioned 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to

the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 13.10.2023
Ravi Kant

(Krishan Pahal, J.)