

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42817 of 2023

Applicant :- Akash Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Amar Bahadur Maurya, Anil Kumar Mishra, Mayank Misra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Anil Kumar Mishra, 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.281 of 2023, under Sections 419, 420, 467, 468, 471 IPC and Section 66D IT Act, Police Station Mugalsarai, District Chandauli, during the pendency of trial.
3. 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. In the present he is not named in the FIR. He further contends that only on the ground of confessional statements of the co-accused, he has been falsely implicated. It is also contended that the co-accused was named in the FIR with whom business rivalry was going on, on account of which he averred the name of the applicant in his statement. Therefore, it can be contended that except the confessional statement of the co-accused, no other evidence is available on record against the applicant. It is also contended that similarly placed co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide order dated 26.09.2023 passed in Criminal Misc. Bail Application No.40813 of 2023 (Gulshan Patel Vs. State of UP). He also contended that in two other criminal case also the applicant has been falsely implicated which have been mentioned in paragraphs-14 and 15 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 in jail since 24.08.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant - Akash Pandey, 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 :- 24.11.2023

Vijay