

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42966 of 2023

Applicant :- Pankaj Rao

Opposite Party :- State of U.P.

Counsel for Applicant :- Gyan Chandra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Gyan Chandra Yadav, learned counsel for the applicant and Sri Anil Kumar Mishra, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 910 of 2022, under Sections 467, 468, 471, 406, 506 of I.P.C., Police Station- Tajganj, District- Agra, during the pendency of trial.
4. As per prosecution story, the applicant is stated have impersonated himself to be one Pankaj Gupta, an I.A.S. Officer and stated to have deceived the informant to the tune of Rs. 6 lacs in cash on the pretext that she shall be awarded tender of Bal Vikas & ASHA Worker. A cheque of Rs. 8 lacs is also stated to have been given to the applicant but after knowing about the forgery of the applicant, the said cheque was stopped for payment. The applicant had neither got issued any tender to the informant nor returned the said amount of Rs. 26 lacs taken in cash.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The informant and the applicant are well known persons since long and he has not impersonated himself as any I.A.S. Officer. There is a criminal history of two cases assigned to the applicant, which has been explained in paragraph No. 14 of the bail application.
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.

The applicant is languishing in jail since 01.03.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, pending trial and considering the complicity of accused, severity of punishment, at this stage, 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- **Pankaj Rao** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- i. The applicant will not tamper with the evidence during the trial.
- ii. The applicant will not pressurize/ intimidate the prosecution witness.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

12. 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 on the testimony of the witnesses.

Order Date :- 28.10.2023

Mohini