

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43557 of 2023

Applicant :- Ganesh Mishra

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Saran

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the entire record.
2. The present bail application has been filed by the applicant in case crime No. 188 of 2023, under Section 384, 506 IPC and Section 7/12 of Prevention of Corruption Act, police station-Kolhui, District-Mahrajganj with the prayer to enlarge the applicant on bail.
3. It has been argued by learned counsel for the applicant that the applicant-accused is innocent and he has been falsely implicated in this case. Applicant is not named in the first information report. In the first information report, it was alleged that on 28.03.2023 at 11:30 PM while the informant was carrying the goods by the truck, three persons came on a motorcycle and one of them was in police uniform and they demanded entry fee of Rs. 10,000/- for ARTO Pradeep Kumar and on that pretext they have extorted an amount of Rs. 5,000/- from the informant. It was submitted that the applicant is merely working as domestic help of ARTO. The involvement of applicant has been shown on the basis of statement of informant but the applicant was not named in the first information report. Co-accused ARTO Pradeep Kumar has already been granted bail by the trial court itself. It was further submitted that there is no specific allegation against the applicant and that nothing has

been recovered from the applicant. Criminal history of one case shown against the applicant has duly been explained in the affidavit filed in support of the application. Similarly, placed co-accused Janardan Kumar has already been granted bail by this Court vide order dated 8.11.2023 passed in Criminal Misc. Bail Application No. 46228 of 2023. Lastly, it was submitted that the applicant is in judicial custody since 24.08.2023 and that in case, applicant is enlarged on bail, the applicant will not misuse the liberty of bail.

4. Learned A.G.A. has opposed the prayer for bail and submitted that during investigation, involvement of applicant was found and there is evidence that he was involved in collection of illicit money from the truck drivers, who were carrying their goods.

5. Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby allowed.

6. Let the applicant Janardan Kumar involved in the aforesaid crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness of the case.

7. In case of breach of any of the above condition, the court

concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

Order Date :- 20.11.2023
HR