**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 43509 of 2023

**Applicant :-** Naseem
**Opposite Party :-** State of U.P.
**Counsel for Applicant :-** Ashish Kumar Mishra
**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard Mohd. Imran Khan holding brief of Sri Ashish Kumar Mishra, learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged against five persons named in the FIR alleging that the said five persons are chatting with some persons in order to grab money from the innocent persons.

3. As regards the applicant, it was stated that he was carrying a phone which contained photo of passbook, QR transaction code and also the photo of ATM/ Debit Card. Based upon the said recovery, it was apprehended that the applicant might be involved in online fraud. The applicant has no previous criminal history. Co-accused Kasam has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 30.10.2023 passed in Criminal Misc. Bail Application No.44273 of 2023 and the role of instant applicant is much better than that of co-accused Kasam. Hence, the applicant is also liable to be enlarged on bail and there is no likelihood of his abscondence and tampering with the evidence.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the allegations levelled in the FIR and the recovery, which prima facie in the nature of apprehension and without there being any specific incident to involve the applicant in actual fraud and the fact that the applicant is in custody since 30.08.2023, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is **allowed**.

7. Let the **applicant- Naseem** be released on bail in FIR/ Case

Crime No.597 of 2023, under Sections 420, 467, 468, 471 IPC and Sections 66C and 66D of the IT Act, Police Station- Kosikalan, District- Mathura on his furnishing personal bonds and two reliable sureties to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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.

**Order Date :-** 31.10.2023
Saif

Digitally signed by :-
SHAIKH SAIF ABDIN
High Court of Judicature at Allahabad