

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43568 of 2023

Applicant :- Jitendra Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinay Kumar, Ram Chandra Sahu

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard 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.109 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C. and Section 66-D I.T. Act, Police Station Naugarh, District Chandauli, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that as per the allegation in the First Information Report the informant had taken one mobile phone on credit and the EMI has been paid and thereafter total amount was repaid. Thereafter also EMI was taken by the finance company. However on enquiry it was revealed that the co-accused persons have taken two mobile phones on the papers of the informant. Learned counsel for the applicant further submits that the informant had purchased mobile phone from other mobile shop of other person. There is no direct evidence linking the applicant with the alleged crime. The name of the applicant has been surfaced in the confessional statement. The applicant has been falsely implicated in the case. The accused applicant has no criminal history to his credit. It is further submitted that the applicant has already been granted bail in Case Crime No.281 of 2023 by the coordinate Bench of this Court, therefore, the applicant is also entitled for bail in the present matter as the previous case is similar to the present matter. Applicant is languishing in jail since 23.08.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail.

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

7. Let the applicant - **Jitendra Chauhan**, 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.

8. 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 :- 7.11.2023

Shivangi