

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44403 of 2023

Applicant :- Arpit

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri Prateek Tyagi, learned A.G.A. for the State-opposite party.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 478 of 2023, under Sections 420, 467, 468, 471 I.P.C. and 66D Information Technology Act, Police Station Jagdishpura, District Agra during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case. Vague and general allegations of online fraud have been made in the first information report. Not a single transaction has been disclosed with any material particulars. The mobile phone recovered from the applicant was never used in any transaction. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. At this stage there is no cogent evidence to link the applicant with the offence. The alleged transaction cannot be connected with the offence. The applicant is in jail since 16.09.2023 having no criminal history and if he is released on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that no amount has been credited in the account of the applicant and the applicant is not a beneficiary of the illicit transaction. Not a single transaction has been disclosed with any material particulars. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than two months and after submission of the

charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Arpit, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,
- (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 :- 20.11.2023

SKT/-