

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44229 of 2023

**Applicant :-** Sudhir Yadav

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Kartikeya Saran

**Counsel for Opposite Party :-** G.A.

**Hon'ble Vivek Varma,J.**

1. Sri Ashok Kumar Maurya, Advocate has filed his *vakalatnama* on behalf of the informant. The same is taken on record.

2. Heard counsel for the applicant, counsel for the informant and learned A.G.A. for the State.

3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in F.I.R. No. 0105 of 2023, under Sections 420, 467, 468, 471 & 406 of I.P.C., Police Station- Dokati, District- Ballia during pendency of the trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The alleged money has been transferred in the bank account of Anish Pandey and Purushuttam Singh. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. Further, no amount has been transferred from the account of Anish Pandey and Purushuttam Singh in the account of the applicant. In fact, the applicant has transferred Rs. 2,62,000/- in the account of the co-accused, Anish Pandey. He further submits that even the mobile number of the applicant is not linked with the bank account in which the money was transferred by the informant. It is contended that at this stage, there is no cogent evidence that the applicant has withdrawn the amount from the bank account of co-accused, Anish Pandey and Purushuttam Singh. The case of the applicant is clearly distinguishable from that of other co-accused. The criminal history of the applicant has been explained in para no. 38 of the bail application. The applicant is in jail since 30.08.2023, and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.

6. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that no amount has been credited in the account of the applicant. At this stage, there is no substantive evidence against the applicant. Further, 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, more so when 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Sudhir Yadav** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :-** 3.11.2023  
Sachin Mishra