

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45541 of 2023

Applicant :- Satya Prakash

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Agarwal, Ayub Khan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The FIR in question was lodged against five persons named in the FIR of facilitating opening of bank accounts by use of forged documents. Name of the applicant did not surface in the FIR. Subsequently, on the basis of the statement of the co-accused under Section 161 Cr.P.C., which is on record at Page - 40, name of the applicant surfaced. Even in the said statement, *prima-facie*, the implication of the applicant with the offence in question is not made out. The applicant has no criminal antecedent and is in custody since 15.08.2023.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the applicant was not named in the FIR and even in the statement under Section 161 Cr.P.C., the applicant cannot *prima-facie* be implicated with the offence in question as well as the fact that the applicant has no criminal antecedent, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Satya Prakash*** be released on bail in FIR No.271 of 2023, under Section 420, 467, 468, 471 IPC & Section 66-D of IT Act, P.S. Govind Nagar, District Mathura on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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 :- 30.10.2023

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