

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45709 of 2023

Applicant :- Ashok Kumar @ Pappu Sahani

Opposite Party :- State of U.P.

Counsel for Applicant :- Raj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Raj Kumar Mishra, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 73/2023, under Sections 406, 419, 420, 467, 468, 471 IPC Police Station Gyanpur, District Bhadohi, during the pendency of trial.
4. As per prosecution case, the applicant along with other co-accused persons are stated to have instituted a Bank in the name of BSMJ Nidhi Ltd., on the basis of forged documents and the informant was the employee of the said Bank.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. He has further stated that he has employed in the said Bank and have nothing to do with the said offence. He has wrongly shown the Director in the Board of Directors. He has also placed reliance to Annexure No. (6) to the bail application, in which it clearly transpires that there are eight bank accounts in the name of Murari Lal Nishad and his wife Anju Pal. The Investigating Officer has also submitted a report to the District Magistrate, Bhadohi/Jaunpur through S.P. Bhadohi on 29.5.2023. It is further argued that the case of the applicant is on different footing to the case of co-accused Murari Lal Nishad. The alleged recovery was made to the house of Murari Lal Nishad, who was living with Sheetla Prasad Nishad. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per

counsel, led to the false implication of the applicant have also been touched upon at length. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 20.5.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and taking into the averments alleged in Annexure No. (6) regarding eight bank accounts, which were opened on the name of Murari Lal Nishad and his wife Anju Pal. **The case of the applicant is distinguished from the case of co-accused Murari Lal Nishad**, without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

8. Let the applicant- **Ashok Kumar @ Pappu Sahani** who is involved in aforementioned 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 30.10.2023

S.K.

(Krishan Pahal,J.)