

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46846 of 2023

Applicant :- Vijay Kumar Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kumar Tirpathi, Amit Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged against one Swapnil by the informant alleging that the said person allured the informant to invest in various trade through a website www.lexatrade.com. It was also alleged that the said person has represented himself to be the owner staying at Kingston. Subsequently, on luring, the applicant had transferred his savings which resulted the entire amount being wiped out.

3. The contention of the Counsel for the applicant is that the applicant was not named in the FIR. Subsequently, the name of the applicant was surfaced in the statement of co-accused Hemant Singhania who stated that the applicant was instrumental in opening the bank accounts. Based upon the statement and recovery of SIM card, the applicant has been implicated with the offence in question. The Counsel for the applicant argues that no money was recovered from the applicant or from any of the accounts of the applicant.

4. Learned A.G.A. vehemently opposed the bail prayer by arguing that a systematic fraud was played by the accused persons with the innocent persons in the garb of investment and, therefore, the bail application should be rejected.

5. Considering the submissions made at the bar that the applicant is not named in the FIR, his name surfaced in the statement of co-accused, apart from the recovery of SIM Card, no amounts were allegedly recovered from the applicant, no role of the applicant enticing the informant to part away with valuable security are alleged against the applicant and the fact that the applicant does

not have any criminal antecedents, I am of the view that the applicant is entitled to be released on bail.

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

7. Let the applicant ***Vijay Kumar Sharma*** be released on bail in FIR/ Case Crime No.12 of 2023, under Sections 419, 420, 467, 468, 471, 120B, 34 IPC and Section 66-D of IT Act, Police Station Cyber Crime, District G.B. Nagar on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 3.11.2023

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