

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46923 of 2023

Applicant :- Devanshu Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Upendra Kumar Pushkar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed by the learned counsel for the applicant is taken on record.

2. Heard Sri Upendra Kumar Pushkar, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.

3. The instant bail application, under Section 439 Cr.P.C, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 514 of 2023, under Sections 406, 420, 120-B I.P.C, Police Station- Quarsi, District- Aligarh, during the pendency of trial.

4. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. It is submitted that applicant was an employee of the company and he has not committed the alleged offence. Today by way of supplementary, the learned counsel for the applicant has filed a list of regarding return of the embezzled amount by the bank employee Amarjeet Kumar. The name and account number of the informant finds place at serial no. 5 that a sum of Rs. 5,00,000/- (Rs. Five lac) of the informant was also embezzled by the Bank employee co-accused Amarjeet Kumar. Learned counsel further contended that there was no conspiracy role of the applicant with Amarjeet Kumar in respect of the commission of the crime. The aforesaid amount has been returned back to the informant on 18.09.2023. One criminal history relating to the bank matter has been explained, in which the applicant has already been enlarged. The applicant is in jail since 28.06.2023. In case, he is enlarged on bail, he will not misuse the said liberty.

6. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that

the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Devanshu Sharma**, involved in the aforesaid 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 the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

9. 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 :- 23.11.2023

Vinod.