

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47421 of 2023

Applicant :- Ritesh Chaturvedi @ Amit

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajeev Kumar Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Supplementary affidavit, filed by the counsel for the applicant, is taken on record.
2. Heard learned Counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State 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. 06 of 2023, under Sections 420, 467, 468, 471, 34 I.P.C., and Section 66, 66C, 66D of I.T. Act, Police Station- Cyber Crime Noida, District- Gautam Buddh Nagar during pendency of the trial.
4. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. No amount has been credited in the account of the applicant nor any amount has been transferred by the co-accused in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. Recovery of a laptop, two mobile phones and two adhar cards has been shown from the applicant. The recovered articles belongs to the applicant except one adhar card. The recovery of another adhar card is false and planted. There is no independent witness to the alleged recovery. The recovered items were never used in any fraudulent transaction. It is next contended that the co-accused Vikas Pandey and Ruchi Pandey in whose accounts money was credited have been granted bail by the trial court vide order dated 24.7.2023 annexed as Annexure-6 to the bail application. At present, there is no cogent evidence to link the applicant with the offence. The criminal history of the applicant has been explained in para 4 of the supplementary affidavit. The applicant is in jail since 6.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the

record, this Court prima facie finds that the applicant was not named in the first information report. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. There is no independent witness to the recovery. The co-accused Vikas Pandey and Ruchi Pandey have been granted bail by the trial court. At this stage, there is no substantive evidence against the applicant. Further the applicant has presently remained confined for more than three months and 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 intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Ritesh Chaturvedi @ Amit** 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 tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- 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 :- 20.11.2023
S.S.