

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47384 of 2023

Applicant :- Sudhir @ Vinay

Opposite Party :- State of U.P.

Counsel for Applicant :- Swati Agrawal Srivastava, Amit Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Ms. Swati Agrawal Srivastava, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.

2. 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. 480 of 2022, under Sections 420, 467, 468, 471, 120-B, I.P.C, Police Station- Sector-20, District- Gautam Buddh Nagar, during the pendency of trial.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. Learned counsel for the applicant contends that as per the F.I.R, the aggrieved person provided Rs.1,30,000/-(one lac thirty thousand) in his bank account, but there is no such evidence that any such amount was transferred to the account of the applicant. It is not said by the informant or by the aggrieved person that any amount was provided in cash to the applicant. So far as the criminal antecedent is concerned, the learned counsel for the applicant contends that applicant was falsely implicated in one case later on. Learned counsel for the applicant has explained criminal history of only one case. Learned counsel for the applicant has lastly submitted that the applicant is in jail since 09.10.2022. In case, he is enlarged on bail, he will not misuse the said liberty.

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

5. 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.

6. Let the applicant- **Sudhir @ Vinay**, 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.

7. 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 :- 6.12.2023

Vinod.