

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47797 of 2023

Applicant :- Ajay Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Kumar Tiwari, Jitendra Singh Yadav

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 alleging that the company which sells products online was dupe of the money by the two persons named in the FIR who had collected money, whereas, the goods were transferred to the seller. The applicant was not named in the FIR, subsequently, based upon the investigation, the applicant was linked with the offence in question.

3. It is argued by counsel for the applicant that without there being any material so as to implicate the applicant with the offence in question, he has been falsely implicated. It is further argued that applicant has no criminal antecedents and the offence alleged against the applicant are punishable for a term less than seven years.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that the applicant was not named in the FIR, prima facie, the material so as to link the applicant with the offence in question is not credible. The applicant has no criminal history and the offences alleged against him are punishable for a term less than seven years and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, 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 **Ajay Kumar** be released on bail in FIR/ Case Crime No. 141 of 2023, under Sections 420, 467, 468, 471 IPC, P.S. Chola, District Bulandshahr, 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 :- 8.11.2023

S.A.