

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48534 of 2023

Applicant :- Dinesh Garg

Opposite Party :- State of U.P.

Counsel for Applicant :- Irshad Husain, Aushim Luthra

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State 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. 588 of 2023, under Sections 420, 467, 468, 471 I.P.C., and Section 66-D I.T. Act and Section 3/4 Public Gambling Act and Section 4/13 Foreign Exchange Management Act (FEMA) Police Station- Sector 39, District- Gautam Budh Nagar during pendency of the trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. Recovery of laptops and mobile phones has been shown from the possession of the applicant and three others. The said laptops and mobile phones belong to the applicant and other co-accused persons. No offending transaction has been brought on record to establish that the applicant was involved in betting. It is next contended that identically placed co-accused Ajeet Singh has been granted bail by this Court vide order dated 29.11.2023 passed in Criminal Misc. Bail Application No.48072 of 2023. The applicant claims party. The applicant does not have any criminal history. The applicant is in jail since 25.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that no offending transaction has been brought on record to establish that the applicant was involved in gambling or betting. Identically placed co-accused Ajeet Singh has been granted bail by this Court. At this stage, there is no substantive evidence against the applicant. The applicant has no criminal antecedents. 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.

6. Let the applicant, **Dinesh Garg** 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.

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
S.S.