

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48764 of 2023

Applicant :- Baijnath @ Badku Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Vishveshwar Mani Tripathi, Vikas Yadav

Counsel for Opposite Party :- G.A., Anand Prakash Srivastava, Sugendra Kumar Yadav

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Vishveshwar Mani Tripathi, learned counsel for the applicant, Sri Shashi Kant Rai, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 278 of 2023, under Sections 389, 420, 468, 120B IPC and Section 66 of I.T. Act, Police Station-Barhaj, District-Deoria, during the pendency of trial.
4. As per prosecution case, the applicant is stated to have procured indecent photographs and videos of the victim and is stated to have started blackmailing the informant and other persons to falsely implicate them in criminal case. There are allegations against the applicant and two other accused persons of having taken Rs. 7,54,000/- from the informant in lieu of the said allegation.
5. Learned counsel for the applicant has stated that the co-accused Subhash Chandra Chauhan has been enlarged on anticipatory bail by this Court vide order dated 28.10.2023 passed in CrI. Misc. Anticipatory Bail Application No. 11796 of 2023. The case of the applicant is at par with the co-accused. The applicant is in jail since 16.8.2023. The applicant has no other criminal history. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned A.G.A. Sri A.K. Yadava has vehemently opposed the bail application.
7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the

evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Baijnath alias Badku Yadav**, who is involved in aforementioned 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 16.11.2023

Kumar Manish.

(Krishan Pahal,J.)