

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49872 of 2023

Applicant :- Sanjeev Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Shyam Surat Shukla, Vivek Kumar Shukla

Counsel for Opposite Party :- G.A., Manish Trivedi

Hon'ble Vivek Varma, J.

1. Heard learned Counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Sri Manish Trivedi, learned counsel for the informant-Bank. 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. 702 of 2023, under Sections 419, 420, 467, 468, 471 and 120B I.P.C., Police Station- Kavinagar, District- Ghaziabad during pendency of the trial.
3. Learned 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. The name of the applicant was disclosed by one Rishabh in police custody. The said statement, insofar as it implicates the applicant, is unreliable. The loan was not issued in the name of the applicant. No amount has been credited in the account of the applicant. The applicant is not the beneficiary of the illicit transaction. It is next contended that identically placed co-accused Surya Kardong has been granted bail by this Court in Criminal Misc. Bail Application No. 48975 of 2023, Surya Kardong v. State of U.P., vide order dated 06.12.2023. The applicant claims parity. The applicant does not have any criminal history. The applicant is in jail since 12.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. and learned counsel for the bank have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and after perusal of the record, this Court prima facie finds that the applicant was not

named in the first information report. The name of the applicant was disclosed by one Rishabh in police custody. The loan was not issued in the name of the applicant. Identically placed co-accused Surya Kardong has been granted bail by this Court. The applicant has no criminal antecedents. Further the applicant has presently remained confined for almost four 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- Sanjeev Kumar, 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 :- 13.12.2023
SKT/-