

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49741 of 2023

Applicant :- Shyam Tyagi

Opposite Party :- State of U.P.

Counsel for Applicant :- Satish Kumar Tyagi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Satish Kumar Tyagi, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.236 of 2023, under Sections 420, 467, 471, 120B IPC, Police Station Kaushambi, District Ghaziabad, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has falsely been implicated in the present case. It is further submitted that the applicant was the field investigator of M/s Hinduja Layland Finance Company, Mahalakshmi Metro Tower behind Vaishali Metro Station, District Ghaziabad. The facts are that the aadhar card and PAN card of the informant was used for taking loan on the vehicle in question bearing Registration No.UP14 JT 0854 as guarantor. The loan amounting to Rs.43,84,899/- was taken by one Bhola Singh which has already been deposited by him who has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.09.2023 passed Criminal Misc. Anticipatory Bail Application U/S 438 CrPC No.10050 of 2023. It is also contended that the co-accused, Navneet Tyagi who was the Branch Manager has also been granted anticipatory bail by the district court. It has also been contended that the applicant has not conspired with Bhola Singh or Navneet Tyagi and there is no omission on his part. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 05.10.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA but he could not dispute the aforesaid submission advanced by the counsel for the applicant.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a fit case for bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Shyam Tyagi**, 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 :- 8.12.2023

Shahroz