

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50117 of 2023

Applicant :- Joginder Tyger

Opposite Party :- State of U.P.

Counsel for Applicant :- Somya Chaturvedi, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Gopal Swarup Chaturvedi, learned senior advocate assisted by Ms. Somya Chaturvedi, 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.01 of 2018, under Sections 409, 420, 467, 468, 471, 120B IPC, Police Station EOW, Sector-Kanpur Nagar, District Jalaun, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The applicant has left the company in the year 2008 whereas the fraud has been committed in the year 2011. He, therefore, argues that the cause of action of this case arises in the year 2011. It is next contended that when the applicant had no concern with the concerned company after 2008, therefore, he cannot be held responsible for the offence committed in the year 2011. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 25.07.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the learned counsel for the applicant, from the record.

5. Having regard to the facts, circumstances and the submissions made by the rival parties but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Joginder Tyger**, 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 :- 1.12.2023

Shahroz