

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51329 of 2023

Applicant :- Rajat Katiyar

Opposite Party :- State of U.P.

Counsel for Applicant :- Siya Ram Verma, Priti Verma

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. 306 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., and Section 66-D Information Technology (Amendment) Act, 2008, Police Station- Chaubeypur, District- West (Commissionerate Kanpur) during pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report has been falsely implicated in the instant case. The alleged money was not credited in the account of the applicant nor the said money was transferred from other accounts in the account of the applicant. The applicant is not the beneficiary of any the transaction. Recovery of Rs.10,000/- and a mobile phone has been shown from the applicant. The said amount and mobile phone belongs to the applicant. The alleged mobile phone was not used in any fraudulent transaction. It is next contended that identically placed co-accused Prem Kumar and Samridhi Sinha have been granted bail by the trial Court vide order dated 22.9.2023 passed in Bail Application Nos. 3344 of 2023 and 3345 of 2023. The applicant does not have any criminal history. The applicant is in jail since 20.8.2023. 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 the applicant was not named in the first information report. The applicant is not the beneficiary of the illicit transaction. Not a single fraudulent transaction from the alleged mobile phone has been brought on record by the prosecution. Identically placed co-accused Prem

Kumar and Samridhi Sinha have been granted bail by the trial Court. 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, **Rajat Katiyar** 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 :- 11.12.2023
S.S.