

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 266 of 2023

Applicant :- Shailendra Kumar @ Shera @ Vinay Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Alok Singh Chauhan, Arvind Kumar Verma, Ranjeet Kumar, Rohit Shukla, Sudheer Kumar Rawat, Sushil Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rohit Shukla, learned counsel for the applicant, the learned A.G.A. and Smt Arti Gupta, learned counsel for the complainant and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.468 of 2021 under Sections 419, 420, 467, 468 & 471 IPC at Police Station Kakori District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 01.09.2021 against six named persons including the applicant and some unnamed persons alleging that applicant had introduced himself as an employee of Secretariat and he had introduced the co-accused Ravindra Kumar as an officer in the Secretariat. All the accused persons took money in the name of getting the informants employed, and when the informants could not get employment they returned Rs. 3,20,000/- but did not return Rs.39,40,000/-.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has no criminal history.

5. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and prima facie it appears that it is informants themselves who had tried to commit an offence by securing Government employment by payment of bribe and F.I.R. has been lodged when they failed in this attempt; co-accused Ravindra Kumar has already been granted bail by means of the order dated 13.09.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.3912 of 2023 and the applicant has no criminal history and he is languishing in jail since 11.09.2023, without making any observations which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail.

7. Accordingly, this bail application stands allowed.

8. Let the applicant-Shailendra Kumar @ Shera @ Vinay Kumar be

released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 2.11.2023
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