

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3117 of 2023

Applicant :- Satish Kumar Gupta

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

Counsel for Applicant :- Desh Ratan Mishra, Diwakar Shukla, Gyanoday Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Desh Ratan Mishra, learned counsel for the applicant, Sri J.S. Tomar, learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 462 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Maholi, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.08.2022 alleging that the informant had got his permanent account number altered during serving an Assistant Teacher in a primary school. Upon making enquiries it turned out that the applicant has got appointment on the basis of fake documents.

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

5. The State has filed a counter affidavit opposing the bail application.

6. The learned counsel for the applicant has submitted that service of the applicant has already been terminated by means of an order dated 16.08.2022 and the applicant has assailed the validity of that termination order dated 16.08.2022 by filing

Writ-A No.5820 of 2022 which is pending consideration of this court. It has further been submitted that several other similarly situated co-accused persons have been granted bail in other various cases of similar nature.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has already been terminated from service and therefore he does not appear to be in a position to influence the witnesses or tamper with the evidence in case he is released on bail; that the investigation has already been completed and a charges sheet has been submitted and there is no need for custodial interrogation of the applicant at this stage; that the applicant has no previous criminal history and he is languishing in jail since 07.02.2022 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Satish Kumar Gupta** 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 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.

Order Date :- 6.12.2023
Ram.