

**Court No. - 29**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 3675 of 2023

**Applicant :-** Gyandev Pal

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

**Counsel for Applicant :-** Madhulika Yadav, Anil Kumar Sharma, Ashish Srivastava, Mithlesh, Pankaj Gupta

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Sadhna Rani (Thakur), J.**

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

This application has been moved by the applicant with a prayer to enlarge him on bail in Case Crime No.028 of 2022, under Sections 419, 420, 452, 467, 468, 471, 120B I.P.C. and 43, 66, 66C I.T. Act, Police Station Cyber Crime, District- Lucknow Rural.

It is argued by the learned counsel for the applicant that the applicant is not named in the FIR. His name came into light on the basis of CCTV footage and call details of co-accused persons. Co-accused Ravi Singh Verma, having identical role has already been granted bail by the co-ordinate Bench of this Court. Out of two beneficiaries in the accounts of whom the amount is said to have been transferred, Ganga Sagar Chauhan has also been granted anticipatory bail by this Court. Total 11 persons have been granted bail in the matter. Though, crime has been committed but as the accounts were freezed by the bank employees, so no loss is said to have been caused to anyone. There is no criminal history to the credit of the present applicant. The applicant is languishing in jail since 10.01.2023, hence, the prayer of bail is made.

Learned A.G.A., however, opposed the prayer and submitted that the present applicant is the main accused. His role is different from that of co-accused Ravi Singh Verma. The applicant has interfered with the instruments as is clear from the C.D. No.24 that on 12.10.2022 R.S. Dubey enters the bank premises and goes out, then the present applicant with a bag entered the bank and he also makes his exit. After sometime the present applicant alongwith Ravi enters the bank. It is only the present applicant, who went beneath the table while Ravi kept on guarding there. After sometime Gyandev Pal, the applicant

came out of the table, sat on the computers of bank officials Vikas Pandey and Mewa Lal, opened CPUs and computers, fixed a device in both the CPUs and after opening the computers takes out those pen drives. Thus, with the connivance of both, the present applicant and Ravi some device was fixed inside the table and from computers through pen drives some data was stolen/ tempered, thus it is submitted that the present applicant is the main accused, hence, the bail is opposed.

From the perusal of the FIR, it is found that on 15.10.2022 in U.P. Cooperative Bank Ltd. from the seven accounts of District Sahkari Bank, eight transactions involving big amounts through the devices of bank officials Vikas Dubey, the Cashier and Mewa Lal, the manager were made. When both these officials were inquired they showed their ignorance about the same. The CCTV footage recording of the bank was seen, wherein it was found that in the morning of 15th October, 2022 on the 8th floor of the bank two persons started computers, and tempered the data. Out of these persons one was recognized as R.S. Dubey the Ex-bank officer and the other persons were recognized after investigation as Ravi Singh Verma and Gyandev Pal, the present applicant.

Ex-bank official R.S. Dubey and co-accused Ravi Singh Verma, have already been granted bail by the co-ordinate Benches of this Court. Out of two beneficiaries of this tempering, Ganga Sagar Chauhan has also been granted anticipatory bail by the co-ordinate Bench of this Court. No loss is caused to the bank due to alertness of the bank officials. The present applicant is languishing in jail since 10.01.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant, **Gyandev Pal**, who is involved in the aforesaid case 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 following conditions:-

1. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.

3. The applicant will not indulge himself in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 29.11.2023**

Radhika