

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5980 of 2022

Applicant :- Akash Srivastava

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

Counsel for Applicant :- Dharendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Dharendra Pratap Singh, learned counsel for applicant and learned A.G.A. for the State.

2. The present bail application has been filed by the applicant seeking bail in case crime no. 0166 of 2022, under sections 419, 420, 386 I.P.C. registered at Police Station-Salon, District-Raebareli.

3. As per the version of the FIR, the instant accused/applicant portrayed himself as an I.P.S. officer and made fake calls on a mobile number belonging to the first informant. He duped him of his money i.e., Rs. 12,000/- by exerting pressure tactics. He threatened to implicate the first informant in a false case unless he paid the amount demanded by him.

4. It is contended on behalf of the applicant that no credible evidence has been collected to demonstrate that it was him only, who called the first informant on his mobile number to pay the amount. It is further contended that it is a matter of Rs. 12,000/- + Rs. 15,000/- only and that he is ready to return that amount within a period of two weeks from now. It is further stated that he will cooperate in the trial and he will abide by the conditions, if any, imposed by this court. Further contention is that the applicant has no previous criminal history and that he is in judicial custody since 17.04.2022 i.e., more than 1½ years now.

5. The application for bail is opposed by learned A.G.A., however it is conceded that the applicant has no criminal history prior to this case; the applicant is in custody since quite some time and that he has no objection in case the applicant returned the amount of Rs. 12,000/- + Rs. 15,000/- to the first informant/victim.

6. I considered the nature of allegation, role ascribed to the applicant, evidence proposed to be produced, period of detention, absence of previous criminal history and all other facts and circumstances of the case. It seems that the applicant who was barely in his twenties at that time wanted to make easy money and misdirected himself without giving much thought to the consequences which may ensue. In my view, a case for bail is made out.

7. Let applicant - **Akash Srivastava** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 22.11.2023

Vikram