

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7248 of 2023

Applicant :- Abhinav Dwivedi

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

Counsel for Applicant :- Siddhartha Sinha, Brihaspati Mani Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Priyanka Dubey, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A. 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.151 of 2022, under Sections 406/420/467/468/471 I.P.C., registered at Police Station Bijnaur, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.09.2022 alleging that the informant and his wife are working in C.R.P.F. The informant's daughter was attempting to get admission in MBBS Course. The applicant Abhinav Dwivedi had offered to get her admitted and both the accused persons told the informant that her daughter had been allotted MBBS seat in a government college and he had transferred Rs.9,56,500/- to the bank account of co-accused Yashwant Chaubey. The F.I.R. states that when the informant's daughter could not be admitted two cheques were given to him towards refund of money. A cheque of Rs.3,00,000/- was paid but the other cheque for Rs.5,00,000/- was returned by the bank unpaid. The informant has prayed for refund of balance amount of Rs.6,36,500/-.

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. Learned counsel for the applicant has stated that the co-accused Yashwant Chaubey has been released on bail by means of an order dated 18.09.2023 passed by this Court in Criminal Misc. Bail Application No. 8666 of 2023.

6. The learned A.G.A. has opposed the prayer for bail but he

could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the allegations levelled in the F.I.R. prima facie it appear that being employed in C.R.P.F. the informant himself tried to secure admission of his daughter in MBBS course through illegal means and the F.I.R. has been filed for recovery of money after he failed in his attempt, coupled with the fact that the applicant is languishing in jail since 20.02.2023 whereas the other co-accused has been granted bail 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.

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

9. Let the applicant-***Abhinav Dwivedi*** be released on bail in Case Crime No.151 of 2022, under Sections 406/420/467/468/471 I.P.C., registered at Police Station Bijnaur, District Lucknow 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 :- 11.10.2023

Pradeep/-