

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 8417 of 2023

**Applicant :-** Kuldeep Mishra

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

**Counsel for Applicant :-** Deepak Kumar Singh

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

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Deepak Kumar Singh, the learned counsel for the applicant as well as Ms. Charu Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 284 of 2022, under Section 409, 419, 420, 467, 468 , 471, 120-B I.P.C. and Section 67 of Information and Technology Act, 2000, registered at Police Station Rajeshultanpur, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 16.11.2022 alleging fraudulent withdrawals made from the informnat's bank account in several transactions.
4. In the affidavit filed in support of the 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 applicant was working as a Peon in the bank and during investigation, it came to light that the mobile number of a co-accused Shivam was used for taking out the fraudulent withdrawals through his UPI account. Co-accused Ganesh Chandra, who is father of Shivam, was also implicated as it came to light that he used to withdraw the amounts and thereafter handover a portion of the same to the applicant.
6. The learned counsel for the applicant has submitted that co-accused Ganesh Chandra, has already been granted bail by means of an order dated 22.05.2023 passed by a coordinate bench of this Court in Criminal Misc. Bail Application No.5360 of 2023.

7. The learned A.G.A. has opposed the prayer of the 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 a co-accused person, against whom the allegation is of withdrawing the amount through the UPI account of his son has already been granted bail; the applicant is a bank employee and there appears to be no reasonable apprehension of his absconding from the process of law in case of grant of bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 20.11.2022 and without making any observations 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.

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

10. Let the **applicant- Kuldeep Mishra** 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 :- 23.11.2023**

Preeti.