

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9547 of 2023

Applicant :- Surendra Kumar

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

Counsel for Applicant :- Sudhir Kumar, Ashish Kumar Mishra, Rajendra Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rajendra Prasad Mishra, learned counsel for the applicant, Sri Rao Narendra Singh, 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. 409 of 2022, under Sections 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Hazratganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by an Income Tax Officer on 22.11.2022 against one Priyanka Mishra, stating that she was taking interview of candidates in a room situated on the first floor of income tax office. Nine persons sitting in the canteen told that they had come to meet the named accused person. Some fake stamps, appointment letters and other documents were recovered from the named accused person. The applicant has been implicated in the present case on the basis of custodial statement of the named accused person Priyanka Mishra, who stated that the applicant was also involved in commission of offence along with some other persons.

4. The co-accused Shiv Sharan Srivastava who has been implicated along with the applicant on the basis of statement of Priyanka Mishra has already been granted bail by this court by means of an order dated 31.05.2023, passed in Criminal Misc. Bail Application No.6214 of 2023. The named co-accused person Priyanka Mishra has also been granted bail by this court by means of an order dated 19.10.2023, passed in Criminal Misc. Bail Application No.11101 of 2023. Co-accused Lakmikanth Chaturvedi alias Laxmi Narayan Chaturvedi has also been granted bail by this Court by means of order dated 7.11.2023 passed in Criminal Misc. Bail Application No. 10404 of 2023.

5. 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, whereas he is languishing in jail since 05.01.2023.

6. Learned counsel for the applicant has stated that even the charges have not been framed till date and as the co-accused Shiv Sharan Srivastava, Priyanka Mishra, and Lakmikan Chaturvedi alias Laxmi Narayan Chaturvedi have been enlarged on bail, hence the applicant herein is also entitled to be released on bail on the ground of parity.

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 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 also on bail in the aforesaid crime on the ground of parity.

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

10. Let the applicant- **Surendra Kumar** be released on bail in the aforesaid case on his 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.

(Subhash Vidyarthi, J.)

Order Date :- 18.11.2023

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