

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10751 of 2022

Applicant :- Vijay Kumar Mandal @ Pramod Mandal

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

Counsel for Applicant :- Arvind Kumar Srivastava, Amol Kumar Srivastava, Manoj Kumar Dwivedi, Prashant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Shri Prashant Pandey, the learned counsel for the applicant as well as Shri Akhilesh Kumar Vyas, 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. 467 of 2021, under Section 419, 420, 467, 468, 471, 120-B, 406 I.P.C. and Section 43, 66, 66C, 66D of Information Technology Act, registered at Police Station Kotwali City, District Hardoi.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.05.2021 against the holder of a mobile phone, alleging fraudulent withdrawal of some amount from the informant's bank account.
4. The police claimed to have arrested five persons, including the applicant, on 18.7.2021 when they were travelling in a tempo and various amounts were alleged to have been recovered from all those persons. Rs. 57,000/- were recovered from the applicant and in their custodial statement, all the persons alleged the involvement of various offences, including the present case.
5. The applicant's involvement in 14 other cases has been disclosed in the rejoinder affidavit and the learned counsel of the applicant has submitted that he has been granted bail in eight cases.
6. The learned counsel of the applicant has further submitted that a mobile number mentioned in the F.I.R has not been issued in the applicant's name. He further submitted that the applicant is languishing in jail since 15.3.2022 and even the charges have not been framed till date.

7. The co-accused Mantoo Kumar Mandal has already been granted bail by means of an order dated 29.11.2023 passed by this Court in Criminal Misc. Bail Application No. 12130 of 2022. Therefore, the present applicant is also entitled for bail on the ground of parity.

8. The State has filed a counter affidavit, which is taken on record.

9. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

10. Having considered the aforesaid facts and circumstances of the case 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.

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

12. Let the applicant- **Vijay Kumar Mandal @ Pramod Mandal** 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.

Order Date :- 15.12.2023

Shravan