

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10601 of 2023

Applicant :- Ashish Kumar Yadav

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

Counsel for Applicant :- Abhijeet Bharti, Anshuman Singh, Lalji Yadav, Pradeep Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Anshuman Singh, learned counsel for the applicant and Sri Ajay Kumar Srivastava, learned A.G.A. for the State.

2. This bail application has been filed by the applicant seeking bail in Case Crime No.151 of 2023 under section 489-A, 489-B, 489-C I.P.C. P.S.- Gomti Nagar Vistar, District- Lucknow.

3. As per the version in the F.I.R., on the basis of confidential information that a person is trying to push counterfeit currency of Rs. 200/- denomination in the market, the accused Ashish Kumar Yadav was arrested and from his possession, 4 counterfeit notes of Rs. 200 denomination and 4 more half printed notes were recovered from him. When inquired by the police, he confessed his crime and prayed for mercy.

4. As per the facts revealed from the F.I.R. itself, the accused used to take out the colour print on A4 size papers and used to paste the print outs of currency notes on both the sides. It is contended on behalf of the applicant that he is innocent and has been falsely implicated by the police in a high handed manner. No counterfeit currency were recovered from his possession. The story as revealed from the F.I.R. itself shows the infirmity and improbability. The applicant is in custody since 12.06.2023 i.e. more than five months now and has criminal antecedent.

5. The application for bail is opposed by learned A.G.A. However, it cannot be said with certainty that how long will it take the trial to conclude. It is conceded that the so called counterfeit notes were crudely printed currency notes given shape by using scissors and may not fool the users.

6. I went through the contents of the F.I.R. the nature of allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment, absence of criminal history of the applicant, period of detention and all other attending facts and circumstances of the case, I find it a fit case for granting bail. or

7. Let applicant - **Ashish Kumar Yadav** 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 (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as 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 as 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 :- 20.11.2023

Sumit Kumar