

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11844 of 2022

Applicant :- Mantoo Kumar Mandal

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

Counsel for Applicant :- Hasan Agha Jafri, Km. Rachna Mishra, Satish Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Rachna Mishra, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, 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. 219 of 2021, under Section 406, 419, 420, 467, 468, 471, 120-B 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 06.03.2021 alleging fraudulent withdrawal made from the informant's bank account.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in three other cases has been disclosed in para 14 of the affidavit, in two of which he has been granted bail.
5. The State has filed a counter affidavit opposing the bail application and it has been stated that a mobile phone was recovered from the applicant, which was used in commission of the offence.
6. The learned counsel for the applicant has submitted that five co-accused persons, namely, Rajesh Kumar Mandal, Pramod Kumar Mandal, Manoj Kumar Mandal, Vijay Kumar Mandal and Jitendra Mandal, have already been granted bail by means of orders dated 09.10.2023, 03.10.2023, 20.09.2023, 5.09.2023 and 17.10.2023 passed by this Court in Criminal Misc. Bail Applications No.13492/2023, 11774/2023, 9316/2023, 10233/2023 and 151590/2023,

respectively.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that five other co-accused persons have already been granted bail in the present case, coupled with the fact that the applicant is languishing in jail since 15.03.2022 and as per the statement made by the learned counsel for the applicant, the trial is yet to commence and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

9. Let the **applicant- Mantoo Kumar 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.

(Subhash Vidyarthi,J.)

Order Date :- 29.11.2023

Preeti.