

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12130 of 2022

Applicant :- Mantoo Kumar Mandal

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

Counsel for Applicant :- Km.Rachna Mishra,Hasan Agha Jafri,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 Smt. Parul Kant, 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 of a holder of a mobile phone, alleging fraudulent withdrawal of some amount from the informant's bank account.
4. The applicant's involvement in 3 other cases has been disclosed in para 15 of the affidavit and the learned counsel of the applicant has submitted that he has granted bail in all those cases. While the applicant was in languishing in jail in Case Crime No. 30/202, he was taken into custody in the present case on the basis of B warrant and he has been implicated in the present case on the basis of his custodial confessional statement.
5. 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 12.08.2021 and even the charges have not been framed till date.
6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. 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.

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.