

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11465 of 2023

Applicant :- Lal Mohammad

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

Counsel for Applicant :- Kunwar Ravi Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

1. Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.
2. The accused- applicant is involved in Case Crime No. 341 of 2023, under Sections 406 and 420 IPC, Police Station Hargaon, District- Sitapur.
3. It is argued by learned counsel for applicant that the co-accused has been granted bail by the coordinate Bench of this Court. There is no criminal history against the applicant. To know about the money credited in the account of the villagers, the statement of any bank employee/officer has not been recorded. The applicant is languishing in jail since 24.06.2023. Hence the prayer for bail is made.
4. Learned A.G.A. opposed the prayer for bail of the applicant and submitted that there is allegation of taking Aadhar Card of the villagers by the present applicant and on the basis of the Aadhar Cards, SIM cards were purchased and PAN cards was prepared on each Aadhar Card and after taking the villagers, their accounts were opened in the bank and ATM Cards, cheque books and PAN cards were taken by the applicant on the pretext that the money regarding the flood victims would be received from the Government then after taking his

commission, the rest amount shall be paid to the villagers. Later on, it came to the knowledge of the villagers that in their accounts Rs. 7,00,000/- and Rs.9,00,000/- were received and the same were withdrawn from their accounts. It is the allegation that this money was withdrawn by the applicant. Hence, the prayer is made to reject the bail.

5. From the perusal of record, it is found that on the pretext of arranging compensation for flood victims, the applicant took Aadhar Cards of the villagers got prepared their PAN cards purchased SIM cards in their names, got opened their bank accounts and received a sum of Rs.7,00,000/- and Rs.9,00,000/- without informing the villagers. It is not placed before the Court as to from-where the amount of Rs.7,00,000/- and Rs.9,00,000/- was credited into the account of the villagers. This amount has not been connected with any other crime also. The applicant is languishing in jail since 24.06.2023. The case is triable by the court of Magistrate.

6. Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

7. The bail application is allowed.

8. Let the applicant Lal Mohammad, who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

9. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

10. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 8.12.2023

Virendra