

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11807 of 2023

Applicant :- Umesh Kumar Yadav

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

Counsel for Applicant :- Manish Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manish Kumar Tripathi, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 351 of 2023, under Sections 406, 409, 419, 420, 467, 468, 471, 120-B of I.P.C., Police Station Kotwali City, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.06.2023 against two persons, not including the applicant, alleging a fraudulent transfer of Rs. 35 lakh from the informant's bank account made on 01.05.2023.
4. During investigation, one of the named accused persons Abhinav Gupta stated that the applicant was also involved in commission of the offence. An employee of the bank has stated that she had verified the cheque through UV light and had found it to be correct and the cheque had been made for being cleared thereafter.
5. The State has filed a counter affidavit and the aforesaid submissions given by the bank employee has not been disputed thereof.
6. One Dev Kumar Gupta, against whom allegation in the charge sheet is that it was stated that amount was transferred to some other account with his help and was en-cashed thereafter, has been granted bail by means of an order dated 13.10.2023 passed by the Sessions Court, Pratapgarh.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that one of the accused persons regarding whom specific allegation has come to light has also been granted bail and regarding the applicant, only his involvement has been said by co-accused person without assigning any specific role played by him and without making any observation, 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 applicants on bail in the aforesaid crime.

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

10. Let the applicant-***Umesh Kumar Yadav*** be released on bail in Case Crime No. 351 of 2023, under Sections 406, 409, 419, 420, 467, 468, 471, 120-B of I.P.C., Police Station Kotwali City, District Pratapgarh on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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 :- 1.11.2023

Pradeep/-