

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13601 of 2022

Applicant :- Lal Behari

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

Counsel for Applicant :- Ashok Kumar Yadava, Abhishek Kumar Mishra, Akhilendra Kumar Goswami, Krishan Bhushan Tripathi, Pradeep Kumar Mishra, Ram Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ram Kumar Singh, the learned counsel for the applicant as well as Ms. 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. 405 of 2022, under Section 420, 406 I.P.C., registered at Police Station Sandana, District Sitapur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 01.08.2022 alleging that the applicant was working as a Bank Mitra and he took money from several customers for being deposited in their bank account but misappropriated the same.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The State has filed a counter affidavit annexing therewith copies of several account holders recorded by the investigating officer, who have alleged fraudulent withdrawal or non deposit of money in their account by the applicant.
6. The learned counsel for the applicant has submitted that besides oral statement of certain account holders, no evidence has come to light against the applicant. He has further submitted that besides the F.I.R lodged by the bank, no account holder had come forward to lodge an F.I.R or a complaint against the

applicant.

7. The learned counsel for the applicant has further submitted that the applicant is languishing in jail since 30.07.2022 and not even a single prosecution witness has been examined till date.

8. 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.

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

10. Let the **applicant- Lal Behari** 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 :- 21.11.2023

Preeti.