

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13590 of 2022

Applicant :- Rajveer Singh

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

Counsel for Applicant :- Mrs.Suniti Sachan,Gangeshwar Pandey,Mohammad Shahzad Ahmad,Shamshad Ahmad

Counsel for Opposite Party :- G.A.,Ajai Kumar,Shakti Kumar Mishra,Vivek Kumar Rai

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Shamshad Ahmad, learned counsel for the applicant, Sri Vivek Kumar Rai, learned counsel for the complainant and learned AGA for the State.

2. The present bail application has been filed by the applicant seeking bail in case crime no. 0448 of 2022, under sections 364-A, 392, 323, 347, 506, 411, 386 I.P.C. registered at Police Station-P.G.I., District-Lucknow.

3. As per the version in the FIR, some unknown persons caused the first informant's husband go to Barabanki, on the pretext of showing some plots; his mobile phone was switched off; they tied his legs and hands and took him to some unknown house; he was assaulted for three hours; all the cryptocurrency in his crypto account was withdrawn and transferred by the accused persons in their own account; they kept on pressuring him to transfer money in their account; when he protested, they fired upon him. This incident happened at 08.30 in the evening. He was blind folded and left to fend for himself at 05.20 next morning. A passerby took him to Lucknow. A case crime no. 0448 of 2022, under sections 323, 347, 506, 386 I.P.C. was registered against unknown persons. The matter came under investigation and the statement of the first informant-Smt. Nidhi Bhargava, the victim-Arjun Bhargava were recorded. On the basis of confidential information, the accused persons namely, Sandeep Pratap Singh, Rajveer Singh (applicant) and Vijay Pratap Singh were arrested on 15.08.2022 and certain incriminating articles were recovered from their possession. The victim was medically examined and several injuries were found on his person.

4. It is contended on behalf of the applicant that whole of the story of the prosecution is false and concocted. The real facts are that the accused side and the victim were known to each other and they dealt in business of property. There occurred a dispute as regard money. The victim was never abducted. A false case has been foisted on him in collusion with the police. The applicant and the victim both used to deal in cryptocurrency and indulged in online transaction. The drama of kidnapping was enacted to frame him. The police played an active role in favour of the complainant, got transferred cryptocurrency from the crypto wallet of the applicant to the crypto wallet of the complainant. The allegations are unspecified and vague. The injury report is a false document. Moreover the injuries are simple and minor in nature. Simple money dispute between the two sides has been conveniently given color of a criminal incident, which never happened. It is stated that a single case i.e., case crime no. 77 of 2010, under sections 323, 504, 506, 452 IPC and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, has been cited as his criminal history. In the aforesaid case, he has been acquitted on 01.10.2012. The applicant is in custody since 15.08.2022 i.e., about 15 months now. It is further assured that he shall cooperate in the trial and shall abide by conditions of bail imposed by this Court.

5. The application for bail is opposed by learned A.G.A. and the learned counsel for the complainant highlighting the fact that in this case, the role of the applicant was found as a person who was one of the participants in a conspiracy of abducting the victim and transferring all the cryptocurrency in their own wallets, hence considering the seriousness of

the matter, he does not deserve bail. Attention of this court has been drawn to the medical report dated 08.08.2022, which prima facie demonstrated that six injuries caused by blunt weapons, were found on his person. The prosecution could not refute the fact that all the injuries were simple in nature except one fracture on distal end of 5th metacarpal bone. Further, the prosecution could not explain why this injury report mentioned NCR no. 447 of 2022 under sections 323, 386, 347 IPC. Further, it is conceded that the applicant is in custody since last more than 15 months now and that the case is based on alleged confession of the accused persons disclosing their involvement in the incident of kidnapping and that the major portion of cryptocurrency was returned in the crypto wallet of the victim.

6. I went through the contents of the FIR, the statement given by the witnesses including the victim and his wife (the first informant), the medico legal. I considered the nature of accusation, nature of evidence proposed to be produced by the prosecution, the nature of allegations which raise number of unanswered questions on which I do not find appropriate to elaborate lest the trial judge may get prejudiced to any of the sides, hence without commenting on merits of the case, I find it a fit case for grant of bail.

7. Let applicant - **Rajveer Singh** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 21.11.2023

Vikram