

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 12437 of 2023

**Applicant :-** Diwakar

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

**Counsel for Applicant :-** Yogendra Kumar Pandey, Ambika Prasad Mishra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Ambika Prasad Mishra, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.37 of 2023, under Sections 420, 406, 467, 471, 468 and 120-B I.P.C., registered at Police Station Naka Hindola, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.03.2023 against one Jitendra Kumar, alleging that the accused is related to the informant and he had offered to get the persons employed in government service upon payment of money. It is alleged that the informant himself paid money to the applicant and he made some other persons also pay money to him for securing employment. The F.I.R. has been lodged when the informant failed to secure the employment or get refund of his money.

4. In the statement of the informant recorded under Section 161 Cr.P.C. he stated that the applicant is related to his wife and he was also involved with the named accused person Jitendra Kumar in taking money.

5. In the affidavit filed in support of 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. The named co-accused Jitendra Kumar has already been

enlarged on bail by this court by means of an order dated 18.10.2023, passed in Criminal Misc. Bail Application No.12402 of 2023. Another co-accused Shiv Kumari has also been granted anticipatory bail by this court by means of an order dated 10.10.2023, passed in Criminal Misc. Anticipatory Bail Application No.2212 of 2023.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that applicant has no previous criminal history and he is languishing in jail since 17.08.2023 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 applicant on bail in the aforesaid crime.

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

9. Let the **applicant-Diwakar** be released on bail in Case Crime No.37 of 2023, under Sections 420, 406, 467, 471, 468 and 120-B I.P.C., registered at Police Station Naka Hindola, District Lucknow 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 :- 19.10.2023**

Ram.