

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12674 of 2023

Applicant :- Sahitya Prakash Chaudhary @ Prakash Chaudhary @ Goldy

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 2 Others

Counsel for Applicant :- Shamshad Ahmad, Mohammad Shahzad Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohammad Shahzad Ahmad, the learned counsel for the applicant as well as Sri Arpit Kumar, 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. 583 of 2022, under Section 406, 420, 467, 468, 471 I.P.C., registered at Police Station Ashiyana, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 29.12.2022 against the applicant, one Omendra Pratap Singh and an unknown person, stating that the applicant is a cousin of the informant, who works in Excise Department at Prayagraj. In December, 2021, the applicant had told the informant about the certain vacancies in Irrigation Department and had told that the other accused persons could get him employed. The informant had paid Rs. 4 lakhs to the other accused person but he did not get employed.
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 learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the F.I.R allegations, prima facie it appears that it was the informant himself who tried to secure employment by payment of bribe and he has lodged the F.I.R after having failed in his endeavor; that there is

no allegation that the applicant had demanded any money from the informant or had paid any amount to him, coupled with the fact that the applicant is a young man aged 22 years who is in government service has no criminal history and he is languishing in jail since 04.09.2023 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.

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

8. Let the applicant- **Sahitya Prakash Chaudhary @ Prakash Chaudhary @ Goldy** 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 :- 30.10.2023
Preeti.