

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12714 of 2023

Applicant :- Gyanesh Yadav

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

Counsel for Applicant :- Vivek Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Chandra, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, 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. 246 of 2023, under Section 419, 420, 406, 468, 471, 504, 506, 411 I.P.C., registered at Police Station Kamlapur, District Sitapur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 09.08.2023 against three persons, including the applicant alleging that the co-accused Rohit Maurya came into contact with the informant in November, 2022 while he was under-going coaching. He offered to get the informant employed in CISF and the applicant and co-accused Rohit Maurya offered to get him employed in case he pays Rs. 10 lakhs . At another place, the informant has mentioned the amount to be Rs. 10,50,000/-. It is said in the F.I.R that both the accused persons had said that the co-accused Jasvinder @ Jassi is an Army Officer and he gets people employed in Defence after taking money. The F.I.R has been lodged when the informant could not get employment even after payment of money.
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 counsel for the applicant has submitted that the applicant is a student.
6. The learned counsel for the applicant has submitted that co-accused Jasvinder

Singh @ Jassi and Rohit Maurya, have already been granted bail by means of order dated 10.10.2023 and 19.10.2023 passed by this Court in Criminal Misc. Bail Applications No.12057 of 2023 and 12466 of 2023, respectively.

7. The learned A.G.A. has opposed the prayer of the 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 it is the informant himself, who tried to get employment in CISF by payment of bribe and he has filed the F.I.R after having failed in his endeavor; that two other co-accused persons have already been granted bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 09.08.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail

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

10. Let the applicant- **Gyanesh Yadav** 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.