

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2476 of 2023

Applicant :- Jay Prakash Singh

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

Counsel for Applicant :- Paritosh Shukla, Sukh Deo Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Yogeshwar Shukla, the learned counsel for the applicant as well as Sri Shaunak Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.461 of 2023, under Sections 406, 419, 420, 467, 468, 504 I.P.C., registered at Police Station Kadipur, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.09.2023 against the applicant describing him as an employee of Chola Mandalam Bank and the Manager of the aforesaid bank stating that the informant had approached the applicant for purchasing a JCB Machine for Rs.18,00,000/- and he had transferred Rs.3,71,000/- to the bank through RTGS but the vehicle was not delivered to him.

4. In the affidavit filed in support of the anticipatory bail application, it has been stated that the applicant is not an employee of the bank. He acts as an agent for sale of vehicles attached by the bank upon default of repayment of vehicle loan.

5. In para 11 of the affidavit, it has been stated that

Rs.8,00,000/- were deposited in the applicant's bank account out of which he had returned Rs.60,000/-. The applicant has stated that he is willing to repay the entire amount to the informant within a period of one month and to show his bona fide. A supplementary affidavit has been filed on behalf of the applicant annexing therewith documents indicating online transfer of Rs.60,000/- and the photo copy of the bank draft no.016382, dated 08.11.2023 drawn on Bank of Baroda for Rs.2,20,000/-. It has been stated in the affidavit that the applicant will repay the balance amount within a period of one month.

6. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

7. The learned A.G.A. has opposed the prayer for 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 aforesaid undertaking of the applicant coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Jay Prakash Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court

concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the bank draft mentioned in this order will be deposited by the applicant before the learned trial court at the time of submission of bail bonds and the learned trial court shall release the same in favour of the informant immediately upon the informant's appearance and his request made in this regard.

(ii) The applicant shall fulfill his undertaking within a period of thirty days.

(iii) That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(iv). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(v). That the applicant shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 9.11.2023

Ram.