

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13026 of 2023

Applicant :- Ajay Kumar Tiwari

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

Counsel for Applicant :- Ambika Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ambika Prasad Mishra, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA 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. 402 of 2023, under Sections 140, 170, 171, 419, 420, 467, 468, 471 IPC, Police Station Sushant Golf City, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.08.2023 against six persons, including the applicant, alleging that on the basis of information received from a mukhbir that a gang was active by duping people in the name of getting them employed, co-accused Vijendra Prabhakar and Chandra Sen were apprehended. It is stated that in their custodial statement, Chandra Sen stated that he had paid Rs. 2 lakh to co-accused Amit Kumar alias Abhishek for getting himself employed as a peon in ITI College Pilibhit but the joining letter given to him turned out to be fake. Upon demanding refund of the money paid by him, the co-accused persons declined to pay him money and asked him to join them in duping people in similar manner to recover his loss. The applicant has been implicated in the present case on the basis of custodial statement of co-accused Vijendra Prabhakar.

4. No incriminating material has been recovered from the applicant's possession but no independent person has witnessed the recovery.

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.

6. The learned counsel for the applicant has submitted that co-accused persons, namely, Vijendra Prabhakar and Chandra Sen, have already been granted bail in the present case passed by this court.

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 without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail on the ground of parity.

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

10. Let the applicant- **Ajay Kumar Tiwari** 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 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 :- 18.12.2023

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