

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15190 of 2022

Applicant :- Jitendra Mandal

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

Counsel for Applicant :- Amol Kumar Srivastava, Shivanshu Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pawan Kumar, Advocate holding brief of Sri Amol Kumar Srivastava, the learned counsel for the applicant as well as Sri Virendra 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. 219 of 2021, under Section 406, 419, 420, 467, 468, 471, 120-B I.P.C. and Section 43, 66, 66C, 66D of Information Technology Act, 2000, registered at Police Station Kotwali City, District Hardoi.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 06.03.2021 complaining about the fraudulent withdrawal of a total of Rs. 14,12,000/- from the informant's bank account in many transactions.

4. The police claimed to have arrested five persons, including the applicant, who were sitting in a tempo and were going to district jail to meet some prisoners. As per the recovery memo, Rs. 14,000/- and two mobile phones were recovered from the applicant. Various amounts were recovered from the other accused persons also.

5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

6. The applicant has disclosed his involvement in 12 cases of similar nature, in all of which he has been implicated after his arrest and the applicant has already been granted bail in 4 cases.

7. The learned counsel for the applicant has submitted that co-accused Vijay Kumar Manda @ Pramod Mandal and Karan Kumar Mandal have already been granted bail by means of an

orders dated 15.09.2023 & 03.10.2023, passed by this Court in Criminal Misc. Bail Application No.10233 of 2023 and 11787 of 2023 respectively.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the F.I.R and he has been implicated in the present case after his arrest on the basis of information received from a mukhbir; that there is no independent witness of the alleged recovery made from the applicant; that the applicant has already been granted bail in four other cases of similar nature, in which he was implicated after the same recovery and two co-accused persons have already been granted bail and coupled with the fact that the applicant is languishing in jail since 15.03.2022 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.

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

11. Let the **applicant- Jitendra Mandal** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 17.10.2023
Ram.