

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13341 of 2023

Applicant :- Jitendra Pratap Singh

Opposite Party :- State Of U.P. Thru. Pirn. Secy. Home Deptt. Civil Sectt. Lko

Counsel for Applicant :- Vijay Pratap Singh, Karunesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Pratap Singh, 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. 320 of 2018, under Section 419, 420, 468, 471 I.P.C., registered at Police Station Chhapia, District Gonda.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 06.12.2018 against one Ghanshyam Patel, stating that the informant had taken vehicle's insurance policy from the named accused person after paying the policy amount of Rs. 23,763/- in cash but the receipt issued by the named accused person turned out to be fake.
4. In the custodial statement of the named accused person, he stated that the applicant had offered him to sell insurance policy of Max Auto Insurance Company, of which the applicant is an agent.
5. During investigation, the investigating officer has recorded in the case diary that the informant's vehicle was registered with Max Auto Insurance Company on 14.06.2016 and the amount of Rs. 23,763/- was deposited in cash.
6. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent person and he has been falsely implicated in the present case. The applicant's involvement in another case has been disclosed in para 20 of the affidavit, in which he has already been granted bail by the Session Court.

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 the allegation of the informant is against the named accused person that he had issued a fake receipt of the insurance policy whereas it has come to light during investigation that the vehicle had infact being insured on the same day and the receipt had been issued by Max Auto Insurance Company; that the applicant is not named in the F.I.R and besides the custodial statement of a co-accused person, there is no other material against him, coupled with the fact that the applicant is languishing in jail since 30.10.2023 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.

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

10. Let the applicant- **Jitendra Pratap Singh** 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 :- 8.11.2023

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