

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13392 of 2023

Applicant :- Satyendra Kumar Sharma

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

Counsel for Applicant :- Saima Khan, Jyoti Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Saima Khan, the learned counsel for the applicant as well as Sri Sanjay Maurya, 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 2022, under Section 323, 506, 386 I.P.C., registered at Police Station Gajipur, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 26.06.2022 against the applicant and his wife, alleging that the applicant's wife Pooja had called the informant to her house on the pretext of delivering some medicines to her home and when the informant reached there, the applicant forcibly started preparing an obscene video of the informant and demanded Rs. 50,000/- cash and Rs. 10 lakhs through cheque. The informant took him to his shop at Indira Nagar and gave the cash and cheque.
4. 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. The applicant's involvement in another case bearing Case Crime No. 94/2021 under Section 342, 394, 386, 506, 420, 411, 467, 468, 471 I.P.C, Police Station P.G.I. District Lucknow, has been disclosed in para 21 of the affidavit, in which the applicant has been granted bail by this court.
5. It has further been stated in the affidavit that the applicant wife- Pooja Sharma (co-accused) has filed a Complaint no. 7842 of 2022, under Section 138 of Negotiable Instrument Act in a Additional Court No. 4, Lucknow against the informant complaining about dishonor of a cheque of Rs. 10 lakhs given by him

in which a summoning order was passed, regarding which a notice was issued under Section 138 of Negotiable Instrument Act was served upon the informant 09.06.2022 and the F.I.R has been lodged thereafter on false allegations.

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

7. Having considered the aforesaid facts and circumstances of the case 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.

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

9. Let the **applicant- Satyendra Kumar Sharma** 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 :- 9.11.2023

Preeti.