

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14074 of 2023

Applicant :- Chandra Sen

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

Counsel for Applicant :- Suresh Chandra Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Suresh Chandra Shukla, the learned counsel for the applicant, Sri Gyanendra 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 the applicant were apprehended. It is stated that in his custodial statement, the applicant 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 dubing people in similar manner to recover his loss.

4. Some fake documents are said to have been recovered from the applicant's possession but no independent person has witnessed the recovery.

5. Although the FIR alleges that the applicant confessed having earned crores of rupees by duping people, no such material has been collected during investigation which may corroborate the aforesaid statement.

6. 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.

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 fact that the applicant himself claims to have duped people in the name of getting employment; he has been implicated solely on the basis of his confessional statement and the recovery of documents allegedly made by him has not been witnessed by any independent person and no person has lodged any FIR against the applicant that he has duped any person and coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 04.08.2023 and without making any observation, 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 in the aforesaid case.

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

10. Let the applicant-***Chandra Sen*** 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.

Order Date :- 4.12.2023

Pradeep/-