

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14067 of 2023

Applicant :- Sanjay Kumar Chauhan

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

Counsel for Applicant :- Bal Keshwar Srivastava, Girdhari Lal Shukla, Seeta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bal Keshwar Srivastava and Sri Girdhari Lal, 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. This is the second bail application seeking release of the applicant on bail in Case Crime No. 048 of 2022, under Section 419, 420, 467, 468, 471, 506 I.P.C., registered at Police Station Khondare, District Gonda.
3. The first bail application no. 12143 of 2023 was rejected by means of an order dated 27.07.2023 but it appears that the aforesaid order was passed under a misconception of fact that the said application was an anticipatory bail application, as it is recorded in the order that this court was of the view that the aforesaid facts of the case do not warrant exercise of discretion of this Court by granting pre-arrest bail to the applicant. It was further recorded in the order that in case the applicant files any bail application, the same shall be considered and decided, without being influenced by rejection of that application.
4. In the affidavit filed in support of the 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.
5. It has further been stated in the affidavit that the entire amount in dispute has already been deposited by the company which had employed the applicant.
6. The learned counsel for the applicant has submitted that applicant is languishing in jail since 22.08.2022 and the trial has not yet commenced.

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 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- Sanjay Kumar Chauhan** 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 :- 29.11.2023

Preeti.