

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14150 of 2023

Applicant :- Amit Kumar

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

Counsel for Applicant :- Munendra Kumar, Atul Kumar Pathak, Prashant Tripathi, Shailendra Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shailendra Tripathi, 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. 46 of 2021, under Section 420, 467, 471 I.P.C., registered at Police Station Katka, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 21.04.2021 against the applicant and his father Suryabali, stating that the accused persons had extracted Rs. 20 lakhs in cash and 18 lakhs through bank transfer in the year 2017 under allurement of getting him employed but the informant could not get employed and upon demanding refund of his money, the accused persons transferred Rs. 12 lakhs to the informant's account on 05.10.2020, but got the same re-transferred to their account on the same day.
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. The learned counsel for the applicant has submitted that the applicant's father Suryabali (co-accused), has already been granted bail by means of an order dated 13.04.2023 passed by a coordinate bench of this Court in Criminal Misc. Bail Application No.5045 of 2023.
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 keeping in view the fact that from the allegations levelled in the F.I.R itself, it appears that the informant had tried to secure employment by payment of bribe and the F.I.R was lodged after four years, when he failed in the aforesaid endeavor; that the applicant's father against whom similar allegations have been levelled, has already been granted bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 03.10.2023 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.

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

9. Let the **applicant- Amit Kumar** 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 :- 1.12.2023

Preeti.