

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14173 of 2023

Applicant :- Utkarsh Pandey

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

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sukh Deo Singh learned counsel for the applicant, Sri Akhilesh Kumar Vyas, learned A.G.A. 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. 308 of 2023, under Sections 140, 170, 171, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Chinhat, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.07.2023 alleging that on the basis of information received from a mukhbir that the applicant was involved in extracting money from the persons in the name of getting them employed in the Indian Airforce he was apprehended. An identity card of the Indian Military was recovered from the applicant's possession and it is stated that he confessed that he had extracted money from seven persons in the name of getting them employed in the Indian military. It is stated that on the applicant's pointing out, some fake documents and a uniform of Indian airforce were recovered from his shop.

4. In the affidavit filed in support of bail application it has been stated that the applicant is a 19 years old innocent person having no criminal person and he has been falsely implicated in the present case.

5. The learned counsel for the applicant has submitted that the persons, from whom the applicant allegedly took money in the names of getting them employed, have given statements to the Investigating officer that no money had been paid by them to the applicant and copies of those statements have been annexed with the affidavit.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegation of

extraction of money has not been supported by the persons from whom money had allegedly been taken by the applicant; there is no independent witness of the alleged recovery made from the applicant and the applicant is 19 years old having no criminal history and is languishing in jail since 22.07.2023 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 crime.

7. Accordingly, this bail application stands allowed.

8. Let the applicant-**Utkarsh Pandey** 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 :- 2.12.2023

Renu/-