

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14254 of 2023

Applicant :- Rahul @ Sanjay Sathpathy

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

Counsel for Applicant :- Ram Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ram Prakash Singh, the learned counsel for the applicant, Sri Yugal Kishore, the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 222 of 2020, under Sections 406/ 49/ 420/ 34/ 120-B IPC, Police Station Tulsipur, District Balrampur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.09.2020 against 12 persons, including the applicant, alleging that the informant had paid some amount for opening a store of Digital Big Mart Retail Pvt. Ltd. but after taking money, no response was given by the company and her store could not be opened.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
5. The applicant's involvement in 12 other cases has been disclosed in para 8 of the affidavit filed in support of the application and the learned counsel for the applicant has submitted that he has already been granted bail in 9 other cases. The learned counsel for the applicant has further submitted that the applicant is languishing in jail since 02.10.2020 and even charges have not been framed till date.
6. Two co-accused Sunil alias Vijay Shekhawat and Sandeep Shrama have been granted bail in the present case by this Court and another co-accused person Neha Chauhan has been granted bail in the present case by the Hon'ble Supreme Court.
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 dispute between the parties is predominantly of commercial nature and that three co-accused persons have been granted bail in the present case and that the applicant himself has been granted bail in nine other cases of similar nature, 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-***Rahul @ Sanjay Sathpathy*** 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/-