

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14313 of 2023

Applicant :- Athar Husain

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

Counsel for Applicant :- Ravindra Kumar Yadav, Pramod Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned counsel for the applicant, Sri Ajay Kumar Srivastava, learned A.G.A. and perused the record.

This application has been moved by the applicant with a prayer to enlarge him on bail in Case Crime No.193 of 2023, under Sections 406, 419, 420, 467, 468, 471, 506, 120-B and 34 I.P.C., Police Station Chinhat, District- Lucknow.

It is argued by the learned counsel for the applicant that the applicant is not named in the FIR. In the raid of STF dated 12.05.2023 he was arrested alongwith main accused Abhishek Kumar Singh and two other persons. In fact, he has not committed any wrong. He was a computer operator in the firm of Abhishek Kumar Singh. After leaving the job he had gone there just to receive his due salary. The first informant has not named him in his statement under Section 161 Cr.P.C. He is languishing in jail since 14.05.2023, hence, the prayer of bail is made.

Learned A.G.A. argued that there is a gang of the present applicant alongwith the co-accused named in the FIR. However, no specific role of the present applicant is alleged in the incident. It is alleged that Rs.14,00,000/- were deposited in the account of co-accused Abhishek Kumar Singh. It is also argued that co-accused Neeraj Mishra having identical role has been granted bail by the co-ordinate Bench of this Court. Criminal history of three cases is disclosed to the credit of the present applicant.

Regarding criminal history of three cases, it is submitted that one is the present case and second one is the case which was slapped upon him alongwith the present case, wherein he has been granted bail. Regarding third case under Sections 323, 406, 419, 420, 467, 468, 471, 504, 506 IPC, he has not been bailed out yet.

From the perusal of the record, it is found that the applicant is not named in the FIR. There is allegation that on the pretext of arranging a job for the first informant Rs. 14,00,000/- were extorted from him by Abhishek Kumar. The main accused is

Abhishek Kumar Singh. The name of the present applicant is not mentioned in the FIR. The applicant is named by the first informant in his statement under Section 161 Cr.P.C. that the present applicant alongwith co-accused Neeraj Mishra, Farhat and Man Mohan had also met him in relation to the assurance of arrangement of job for him. Admittedly, no amount is said to have paid to the present applicant. The role assigned to the present applicant is of motivating the first informant for payment of money for arranging a job for him. He is said to have apprehended by the police alongwith some forged appointment letters and ID etc. Co-accused Neeraj Mishra has been granted bail by the co-ordinate Bench of this Court. The applicant is languishing in jail since 14.05.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant, **Athar Husain**, who is involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

1. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge himself in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 6.12.2023

Radhika