

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14578 of 2023

Applicant :- Gittak

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

Counsel for Applicant :- Dinesh Kumar Ayra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dinesh Kumar Arya, learned counsel for the applicant, and Sri Gyanendra Singh, learned Addl. Government Advocate, and perused the record.
2. By means of the instant application the applicant Gittak seeks bail in Case Crime No. 597 of 2022, under sections 419,420,467,468, I.P.C., and also under Section 466, I.P.C. (increased during investigation), P.S. Para, District Lucknow.
3. The aforesaid case has been registered on the basis of a First Information Report (F.I.R.) lodged on 24.12.2022 alleging that a forged order, purportedly passed by the Juvenile Justice Board, was produced by the applicant in a case.
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. It has further been stated in the affidavit that an Advocate had promised to get the case closed for ever for a fee of Rs. 50,000.00 and the applicant had paid the demanded money and the order was provided to him by the counsel. It has also been stated in the affidavit that the aforesaid counsel has already been granted anticipatory bail by means of order dated 18.10.2023 passed by the Sessions Judge, Lucknow, in Bail Application (u/s 438, Cr.P.C.) No. 7843 of 2023.
5. Learned A.G.A. has opposed the prayer for bail, but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. does not allege that the forgery has been committed by the applicant and that the Advocate, who had allegedly provided the copy of the order to the applicant, has already been granted anticipatory bail in the present case and the applicant has no previous criminal history and he is languishing in jail since 12.06.2023, without making any observation, which may affect the merits of the case, I am of the view that the applicant is entitled to be

released on bail.

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

8. Let the applicant **Gittak** be released on bail in the aforesaid Case Crime No. 597 of 2022, under sections 419,420,467,468, I.P.C., and also under Section 466, I.P.C. (increased during investigation), P.S. Para, District Lucknow, be released on bail on his 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 11.12.2023

A.Nigam