

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14611 of 2023

Applicant :- Zeeshan Khan

Opposite Party :- State Of U.P Thru. The Prin. Secy. Home, Civil Sectr. Lko.

Counsel for Applicant :- Atul Verma, Sanjeet Kumar Patel

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, learned counsel for the applicant, and Sri Sanjay Maurya, learned Addl. Government Advocate, and perused the record.
2. By means of the instant application the applicant Deepak Jaiswal seeks bail in Case Crime No. 385 of 2023, under sections 419, 420, 467, 468, 471, I.P.C. and Section 66d of the I.T. Act, P.S. Indira Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of a First Information Report (F.I.R.) lodged on 7.11.2023 against nine persons, including the applicant, stating the on the basis of information received from a Mukhbir Police raided a call-center in which the accused persons were working. The applicant and a co-accused person Vishal Meena are said to be the owners of that call-center. It is alleged that in their custodial statement the accused persons confessed that they commit online fraud with persons residing abroad through that call-center.
4. In the affidavit filed in support of the bail-application, it has been stated that the applicant is innocent. He has falsely been implicated in the present case and he has no criminal history.
5. Learned counsel for the applicant has also submitted that co-accused Arpit Maurya alias Sandesh has been granted bail by an order dated 6.12.2023 passed by this Court in Criminal Misc. Bail Application No. 14372 of 2023 and another co-accused Deepak Jaiswal has also been granted bail by an order dated 11.12.2023 passed by this Court in Criminal Misc. Bail Application No. 14573 of 2023.

6. Learned A.G.A. has opposed the prayer for 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 three co-accused persons have already been granted bail in the present case; that although those three co-accused persons are said to be the employees of the call-centre and the applicant is alleged to be a co-owner thereof, besides the custodial confessional statement, there is no material to establish this allegation and that the applicant has no previous criminal history and he is languishing in jail since 06.11.2023 and without making any observation, 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- **Zeeshan Khan** be released on bail in the aforesaid Case Crime No. 385 of 2023, under sections 419,420,467,468,471, I.P.C. and Section 66d of the I.T. Act, P.S. Indira Nagar, 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.

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

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[Subhash Vidyarthi, J.]

Order Date :- 12.12.2023

-Amit K-