

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14739 of 2023

Applicant :- Sunil Kumar Yadav

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

Counsel for Applicant :- Kamlesh Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1.Heard Sri Kamlesh Kumar Rai, the learned counsel for the applicant, Sri Abhishek Kumar Singh, the learned counsel 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.028 of 2022, under Sections 419, 420, 452, 467, 468, 471, 120B I.P.C. and Sections 66, 66C, 43 Information Technology Act, registered at Police Station Cyber Crime, District Lucknow.

3.The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.10.2022 by an Assistant Manager of U.P. Cooperative Bank Ltd., against the Bank's former officer, R.S. Dubey and an unknown person, alleging that 8 unauthorized transactions were made on 7 accounts of the bank, through which large amount was illegally transferred. On examining CCTV footage of the cameras installed in the bank, it was found that the named accused person had entered the bank with another person and had made some unauthorized entries in the computer system. It has come to light during investigation that the person identified through CCTV footage used to talk to co-accused Waquar Alam Khan, who in turn used to talk to co-accused Armana Athar and Armana Athar used to talk to the applicant and therefore the applicant has also been implicated in the present case.

4. In the affidavit filed in support of 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.

5. Named accused person, Ravi Shankar Dubey @ R.S.Dubey has been granted bail by this Court by means of the order dated 01.05.2023 passed in Criminal Misc. Bail Application.5773 of 2023. It has also been submitted that the co-accused Ravi Singh

Verma has already been granted bail by this court by means of an order dated 06.11.2023, passed in Criminal Misc. Bail Application No.13049 of 2023. Ms. Armana Athar has also been enlarged on bail by this court by means of an order dated 09.11.2023, passed in Criminal Misc. Bail Application No.13532 of 2023. All the other seven co-accused persons have also been granted bail in the present case.

6. The learned counsel for the State has opposed the bail and on the basis of instructions he has submitted that it has come to light during investigation that the applicant has financed the electronic equipment that were used in commission of offence.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that other named accused has already been granted bail; that the applicant has no previous criminal history and he is languishing in jail since 06.09.2023 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.

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

9. Let the **applicant-Sunil Kumar Yadav** be released on bail in aforementioned 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.

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(Subhash Vidyarthi, J.)

Order Date :- 16.12.2023

Ram.