

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14801 of 2023

Applicant :- Sangam Verma @ Sangam Kumar Verma

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

Counsel for Applicant :- Arvind Kumar, Ajay Deep Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arvind Kumar, the learned counsel for the applicant, Sri Shaunak Singh, the learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 67 of 2022, under Sections 419, 420, 409, 109 IPC, Police Station- Baddapur, District Barabanki.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the instant case. He next added that the applicant is not named in the first information report and each and every allegations against one Om Prakash Verma who is Branch Manager in the society. He further added that the applicant was one of the Directors in the company and he had no knowledge that any amount was deposited by Om Prakash Verma. He further added that he has not committed any offence as has been alleged in the first information report. He further added that the applicant has explained 59 cases of criminal history in para 15 of the bail application, in 26 of which the he has been granted bail. He further added that co-accused Chandan Yadav has already been granted bail by means of an order dated 21.12.2023 passed by a coordinate bench of this court in Criminal Misc. Bail Application No. 14273 of 2022. The applicant is a law abiding citizen and he is languishing in jail since 29.07.2022.

4. On the other hand, learned A.G.A. for the State vehemently opposed the contentions aforesaid and submits that during the investigation, name of the applicant has come into light and he was found involved in committing the aforesaid offence as such he is not entitled to be released on bail.

5. Having heard the learned counsel for the parties and after perusal of record, it is evident that the applicant is not named in the FIR and there is no whisper with respect to allegations made in the FIR; further so far as letter which was sent by the informant concerned, the name of the present applicant does not find place; applicant seems to be implicated in the instant matter as one of the directors of the company and previous criminal history of the applicant has been explained and he is languishing in jail since 29.07.2022 and merely charges have been framed in November, 2023.

6. Thus, considering the submissions of learned counsel of both sides, nature of

accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and without expressing any view on the merits of the case, I find it to be a fit case for bail.

7. Let the applicant- **Sangam Verma @ Sangam Kumar Verma** involved in the aforementioned crime 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, with the following conditions:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

8. 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 court below shall be at liberty to cancel the bail and send the applicant to prison.

9. It is clarified that the observations 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 merits of the case.

(Subhash Vidyarthi,J.)

Order Date :- 15.12.2023
Preeti.