

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14889 of 2023

Applicant :- Pramod Kumar Mandal

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

Counsel for Applicant :- Amol Kumar Srivastava, Pawan Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pawan Kumar, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 467 of 2021, under Section 419, 420, 467, 468, 471, 120-B, 406 I.P.C. and Section 43, 66, 66C, 66D of Information Technology Act, registered at Police Station Kotwali City, District Hardoi.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.05.2021 against of a holder of a mobile phone, alleging fraudulent withdrawal of some amount from the informant's bank account.
4. The applicant's involvement in 12 other cases has been disclosed in para 6 of the affidavit, in 10 of which the applicant has been granted bail. While the applicant was in languishing in jail in Case Crime No. 30/2021, he was taken into custody in the present case on the basis of B warrant and he has been implicated in the present case on the basis of his custodial confessional statement.
5. The learned counsel of the applicant has further submitted that a mobile number mentioned in the F.I.R has not been issued in the applicant's name. He further submitted that the applicant

is languishing in jail since 12.08.2021 and even the charges have not been framed till date.

6. Co-accused Mantoo Kumar Mandal has already been granted bail by means of an order dated 29.11.2023 passed by this court in Criminal Misc. Bail Application No. 12130 of 2023.

7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail on the ground of parity

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

10. Let the applicant- **Pramod Kumar Mandal** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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.

(Subhash Vidyarthi, J.)

Order Date :- 16.12.2023

Preeti.