

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14873 of 2023

Applicant :- Asif

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

Counsel for Applicant :- Amar Nath Dubey, Sanju Kumari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Amar Nath Dubey, the learned counsel for the applicant, Sri Rakesh Kumar Singh, learned State Law Officer appearing 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. 97 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Jethwara, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.05.2023 against the Branch Manager of Bank of Baroda stating that Rs. 11,74,100/- were withdrawn from the informant's bank account in various installments.
4. During investigation, the applicant and co-accused- Asif were arrested on 09.06.2023 from Sarita Vihar, New Delhi on the basis of information received from a mukhbir and it is alleged that in their custodial statements, both the accused persons confessed that they were involved in opening bank accounts on the basis of fake documents and getting amount transferred to those accounts, however, arrest memo of the applicant prepared on 17.06.2023 claims that the applicant was arrested on the aforesaid date at 22:17 Hours.
5. 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 previous criminal history. After his arrest, the applicant has been implicated in five cases, details whereof has been mentioned in para 20 of the affidavit filed in support of the bail application and in a supplementary affidavit filed on behalf of the State.
6. The co-accused Surendra Singh and Umesh Kumar Yadav have already been granted bail by means of orders dated

30.10.2023 and 18.11.2023 passed by this Court in Criminal Misc. Bail Application Nos. 12521 of 2023 and 13627 of 2023, respectively. Therefore, the present applicant is also entitled for bail on the ground of parity.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the FIR; that there are serious discrepancies regarding the date and place of arrest of the applicant as noted above; that two co-accused persons have already been granted bail in the present case; that the applicant has no previous criminal history and he is languishing in jail since 11.06.2023 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.

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

10. Let the applicant- **Asif** 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.

Order Date :- 16.12.2023

Shravan