

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14921 of 2023

Applicant :- Chhotu @ Vijay Shilpkar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home, U.P. Lucknow

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dilip Kumar Chaudhary, Advocate holding brief of Sri Dinesh Kumar Chaudhary, the learned counsel for the applicant, Sri Manish Kumar Pandey, 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 FIR/Case Crime No.344 of 2023, under Sections 406, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.10.2023 against three persons, including the applicant alleging that the accused persons had duped the applicant by taking Rs.37,000/- from him on the pretext that the money will be doubled. Thereafter they escaped with the money.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant is involved in Criminal Case No.559 of 2023 lodged on similar set of allegations. It has also been submitted on behalf of the applicant that co-accused Om Prakash @ Bhore @ Motey Patharkat has already been granted bail by this court by means of an order dated 18.12.2023, passed in Criminal Misc. Bail Application No.14918 of 2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that as per the averments made in the F.I.R. the accused persons were not known to the informant, they met him on the way per chance, shown

documents regarding their identity and thereafter duped him which story appears to be doubtful; that the applicant has no previous criminal history and a co-accused person has already been granted bail by this court whereas the present applicant is languishing in jail since 30.10.2023 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.

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

8. Let the **applicant-Chhotu @ Vijay Shilpkar** 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 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 :- 20.12.2023

Ram.