

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14979 of 2023

Applicant :- Rajesh Kumar Mandal

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

Counsel for Applicant :- Mohammad Alishah Faruqi, Razi Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohammad Alishah Faruqi, the learned counsel for the applicant, Sri Sanjay Maurya, learned A.G.A. 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. 467 of 2021, under Sections 406, 419, 420, 467, 468, 471, 120-B I.P.C. read with Sections 66, 66C, 66D and 43 of Information Technology Act, registered at Police Station Kotwali City, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.5.2021 alleging that an online fraud and transfer of Rs. 10 lakhs from the informant's bank account was committed.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is 24 years old innocent person and he has been falsely implicated in the present case. The applicant's involvement in 12 other cases has been disclosed in para no. 13 of the affidavit filed in support of the bail application, in 4 of which he has been granted bail.

5. The co-accused Manoj Kumar Mandal and Karan Kumar Mandal have already been granted bail in the present case by means of an orders dated 7.12.2023 and 13.12.2023 passed by this Court in Criminal Misc. Bail Application Nos. 1566 of 2023 and 14876 of 2023 respectively.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that two co-accused have already been granted bail; that the applicant is languishing in jail since 06.07.2021 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- Rajesh 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 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 :- 19.12.2023
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