

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14977 of 2023

Applicant :- Kashiram Patharkat

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

Counsel for Applicant :- Anand Kumar Srivastava, Ashish Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicant, Sri Sanjay Maurya, the 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. 559 of 2023, under Sections 406, 420, 467, 468, 471, 411 I.P.C., registered at Police Station Kotwali Dehat, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.10.2023 stating that the accused person was playing some game with the informant on 05.10.2023 and they deceitfully took Rs.90,000/- from the informant on the pretext of game and thereafter they did not return the same.

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 and he has no previous criminal history. The applicant's involvement in another case bearing Case Crime No.344 of 2023, under Sections 406, 420 I.P.C. Police Station Kotwali Nagar, District Balrampur has been disclosed in para 2 of the supplementary affidavit, which has been registered on the basis of alleged recovery of Rs.4700/- from the applicant allegedly connected with this offence.

5. Co-accused-Om Prakash @ Bhore @ Motey has been granted bail by this Court by means of the order dated 15.12.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.14797 of 2023.

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 prima facie it appears that the informant was playing some game involving money like gambling and he has lodged the F.I.R. after having lost his money; that the applicant has no previous criminal history and he is languishing in jail since 11.10.2023, a co-accused has already been granted bail by this Court 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-Kashiram Patharkat 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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