

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14978 of 2023

Applicant :- Satish Kumar And Another

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko.

Counsel for Applicant :- Rashmi Pandey, Abhishek Misra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Smt Rashmi Pandey, learned counsel for the applicants, 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 applicants on bail in Case Crime No.844 of 2023, under Sections 419, 420, 467, 468, 471, 411 I.P.C., registered at Police Station Kotwali Bazar, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.07.2023 alleging that the ATM card of the informant's mother got stuck in an ATM machine when the informant had gone to make withdrawal on 21.07.2023 at about 6:30 PM and Rs.1.53 Lakh were fraudulently transferred by misusing that ATM card.
4. In the affidavit filed in support of bail application, it has been stated that the applicants are innocent, they have been falsely implicated in the present case and they have no previous criminal history.
5. The police claims to have arrested the applicants on the basis of information received from a mukhbir on 09.08.2023 and to have recovered Rs.1.26 Lakh and Rs.1.22 Lakh from the applicants besides some ATM cards and it is claimed that the applicants confessed that they are involved in duping people.
6. A supplementary affidavit has been filed on behalf of the applicants stating that on the basis of same recovery the applicants have been

implicated in one other case in which they have been granted bail by the Sessions Judge, Barabanki. They have also been implicated in a case registered under U.P. Gangsters and Anti Social Activities (Prevention) Act.

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 there is no independent witness of the alleged recovery; that the applicants have already been granted bail in the other case of similar nature; that besides two cases lodged on the basis of same recovery, the applicants have no previous criminal history 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 applicants on bail in the aforesaid crime.

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

10. Let the **applicants-Satish Kumar & Chandan Kumar** 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023
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