

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15136
of 2023

Applicant :- Surendra Balram Dubey

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

Counsel for Applicant :- Vijay Kumar, Maharaj Baksh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Kumar, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 227 of 2023, under Section 419, 420, 467, 468, 406, 120-B, 468, 471 I.P.C., registered at Police Station Aspura Devsara, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 27.06.2023 against the three named and some unknown bank employees stating fraudulent withdrawal of Rs. 18,22,000/- from the informant's bank account in several transactions.
4. The police claimed to have arrested Umesh Kumar Yadav and in his custodial statement, he stated that one Arun Kumar was also involved in commission of the offence with him.
5. In the statement of the Arun Kumar recorded under Section 161 Cr.P.C., he stated that several other persons were part of the gang including the applicant.
6. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in four other cases has been disclosed in para 23 of the affidavit.
7. The learned A.G.A. has pointed out the applicant's involvement in another case which is of similar nature in which the applicant has been granted bail by means of an order dated 24.11.2023 passed by this Court in Criminal Misc. Bail Application No. 3929 of 2023.

8. The learned counsel for the applicant has submitted that co-accused Umesh Kumar Yadav, has already been granted bail by means of an order dated 18.11.2023 passed by this Court in Criminal Misc. Bail Application No. 13627 of 2023.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated solely on the basis of custodial statement of a co-accused person, who merely stated that the applicant is also a part of the gang, without pointing out any specific act committed by the applicant; that a co-accused persons has already been granted bail in the present case whereas as the applicant is languishing in jail since 16.07.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

11. Let the applicant-***Surendra Balram Dubey*** 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 the 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 :- 21.12.2023

Pradeep/-