

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13085 of 2024

Applicant :- Satyam Tripathi

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

Counsel for Applicant :- Ayush Pandey, Sudha Mishra, Vaibhav Dev Singh Yadav

Counsel for Opposite Party :- G.A., Anupama Bhadauria

Hon'ble Karunesh Singh Pawar, J.

Vakalatnama filed by Ms. Anupama Bhadauria, Advocate on behalf of the complainant is taken on record.

Heard learned counsel for the applicant, learned counsel for the complainant and learned A.G.A. for the State as well as perused the record.

The present bail application has been filed by accused-applicant seeking bail in Case Crime No.0337 of 2022, under Sections 386, 420, 120-B, 34 I.P.C., P.S. Chhapia, District Gonda.

It is alleged in the prosecution case that on previous several occasions, the money of the informant and ornaments went missing from her place. It is further alleged that for that F.I.R. was earlier registered by her. In the investigation it was disclosed that in the similar matter in a incident dated 23.09.2022 in which Shivam Pandit, the katha narrator, used to take money and jewellery from his sister Kumudini for the last one year by blackmailing her and extending threat to kill her brother and family members. Things missing between 31.01.2022 to 23.09.2022 have been taken by Shivam Pandit @ Shivam Tiwari @ Monu by blackmailing and showing fear of death.

Learned counsel for the applicant submits that applicant has no criminal history. He is not named in the first statement of the victim, however, his name has surfaced in the second statement of the victim after three months of lodging of F.I.R. The role assigned to the present applicant is akin to that of Shubham Singh, co-accused, who has been granted bail

by this court vide order dated 22.7.2024 passed in CrI. Misc. Bail Application No.7489 of 2024. The applicant seeks parity with the bail order of co-accused Shubham Singh. He submits that the applicant is in jail since 23.11.2024.

Learned A.G.A. as well as learned counsel for the complainant have opposed the bail prayer, however, they could not dispute the role of the applicant.

Perused the record.

On due consideration to the submissions advanced, perusal of the record as also the fact that the applicant is languishing in jail since 23.11.2024, he has no criminal antecedent, he seeks parity with the bail order of co-accused Shubham Singh (supra), charge-sheet in this case has been filed and without expressing any opinion on merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is allowed.

Let the applicant **Satyam Tripathi** be released on bail in aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurize/ intimidate the prosecution witness.
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the

witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

Order Date :- 19.12.2024
Madhu D.R/P.S