

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 52589 of 2022

**Applicant :-** Vinod Sahani

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Pawan Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Pawan Kumar, the learned counsel for the applicant, Sri Jitendra Kumar Jaiswal, the learned Additional Government Advocate and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 387 of 2022, under Section 384 IPC, Section 66 of the Information Technology Act, Police Station Sipri Bazar, District Jhansi during pendency of the trial in the Court below.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.08.2022 alleging that some unknown person have used the photographs of the District Magistrate on his Whatsapp display profile and has demanded some money.
4. 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 and that he has no previous criminal history and after his arrest the applicant has been implicated in another case bearing Case Crime No. 338 of 2022 under Sections 420, 384 IPC and Section 66 of the Information Technology Act.
5. It has been stated in the affidavit that the applicant is a Farmer and he has no knowledge about handling of the smart phone and the co-accused who is neighbour of the applicant has created Whatsapp I.D. and he has committed fraud.
6. The learned counsel for the applicant has submitted that the co-accused Surendra Mishra @ Suraj Mishra has already been granted bail by means of an order dated 18.11.2022 passed by this Court in Criminal Misc. Bail Application No. 49792 of 2022.
7. The applicant is languishing in jail since 05.08.2022.
8. Per contra, the learned Additional Government Advocate has

opposed the prayer for grant of bail.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there is no allegation of any money actually having been extorted and the offences alleged carry a maximum punishment of three years only; that the co-accused has already been granted bail and the applicant has no previous criminal history, I am of the view that the applicant is entitled to be released on bail.

10. In light of the preceding discussion and without making any observation on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant **Vinod Sahani** be released on bail in Case Crime No. 387 of 2022, under Section 384 IPC, Section 66 of the Information Technology Act, Police Station Sipri Bazar, District Jhansi on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below, subject to the following conditions:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make 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 to any police officer or tamper with the evidence.

12. In case of breach of any of the above condition, the prosecution shall be at liberty to move an application before this Court seeking cancellation of the bail.

**Order Date :- 7.12.2022**

Jaswant