

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 50098 of 2022

**Applicant :-** Prabhat Sharma

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

**Counsel for Applicant :-** P.K. Singh, Vijay Kumar Mishra

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

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

1. Heard Sri P.K. Singh, the learned counsel for the applicant, Sri Arun Kumar Pandey, 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.740 of 2022, under Sections 419, 420, 467, 468, 471 IPC, and Section 66C and 66D of the Information Technology Act, Police Station Tajganj, District Agra.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by an Inspector of Police alleging that on the basis of an information received from a Mukhbir, five persons, including the applicant, were apprehended while they were sitting in a vehicle. The FIR mentions at another place that the applicant and some other accused persons were apprehended when they were trying to run away from a guest house and it is alleged that the arrested accused persons confessed their involvement in defrauding various candidates aspiring to get government employment. The FIR allegations are that a car, ATM card and a PAN card were recovered from the applicant, which the applicant claims to be his own.

4. The learned counsel for the applicant has submitted that the co-accused Sonu Kumar Yadav, Anil Kumar and Dharm Singh have already been granted bail by means of orders dated 28.11.2022 and 24.11.2022 passed by this Court in Criminal Misc. Bail Applications No. 52766 of 2022, 52814 of 2022 and 50323 of 2022 respectively.

5. It is further submitted by the learned counsel for the applicant that the case set up against the applicant is similar to that set up against the other co-accused persons, who have already been released on bail, therefore, the applicant is also entitled to be released on bail on the ground of parity.

6. It has been averred in the affidavit filed in support of the bail

application that the applicant is an innocent person, he has been falsely implicated in the case, he is having no previous criminal history and he is in jail since 03.10.2022. It has also been stated in the affidavit that there is no possibility of the applicant tampering with any evidence and in such circumstances, the applicant is entitled for bail. It is also stated in the affidavit that the applicant will not misuse the liberty of bail and he will fully cooperate in the investigation. In para-9 of the affidavit, it has been stated that the car is registered in the name of applicant's wife and has been gifted by his in-laws in his marriage.

7.Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail but he could not dispute that the case set up against the applicant is similar to that set up against the other co-accused persons, who have already been released on bail.

8.Having considered the aforesaid facts and circumstances and keeping in view the fact that as per the FIR allegations, the accused persons were apprehended on an information received from a Mukhbir and it is alleged that all of them confessed their involvement in defrauding aspirants of government jobs and no such aspirant has come forward to lodge an FIR that the applicant has defrauded him; that the FIR mentions at another place that the applicant and some other accused persons were apprehended when they were trying to run away from a guest house, and also keeping in view the fact that all the other three co-accused persons have been granted bail, I am of the view that the applicant is entitled to be released on bail pending conclusion of the trial. The bail application is accordingly allowed.

9.Let the applicant - **Prabhat Sharma** be released on bail in Case Crime No.740 of 2022, under Sections 419, 420, 467, 468, 471 IPC, and Section 66C and 66D of the Information Technology Act, Police Station Tajganj, District Agra on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to 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.

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

**Order Date :- 5.12.2022**

Ashish Pd.