

Court No. - 84

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52754 of 2022

Applicant :- Praveen Arnav

Opposite Party :- State of U.P.

Counsel for Applicant :- Shailendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

Heard Sri Shailendra Kumar Singh, learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State.

The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 260 of 2022, under Sections 420, 467, 120B IPC and Section 66-D of the Information Technology Act, Police Station Sector 49 Noida, District Gautam Budh Nagar during pendency of the trial.

According to the FIR, on the information police apprehended co-accused Chhotu and he informed that he and applicant and other co-accused persons cheated different people under the pretext to provide them job and from the possession of applicant seven Sim cards and two mobile phones were recovered.

Learned counsel for the applicant submitted that applicant is innocent and he has falsely been implicated in the present matter and there is no evidence on record except the confessional statement of co-accused person including the applicant that he received the money from common people to provide them job. He further submits that during investigation statement of four victims were also recorded and they stated that in the account of co-accused Chhotu they transferred the amount and they did not state that money was given either to the applicant or was transferred in his account. He further submits that applicant has also been made accused in two other cases but in both the cases he has already been released on bail and applicant is in jail since 19.08.2022.

Per contra, learned AGA opposed the prayer for bail and submitted that applicant is one of the member of the gang of Chhotu, who used to dupe common public under the pretext to provide job but he could not dispute the fact that there is no evidence on record on the basis of which, it could be inferred that anyone gave money to applicant for the purpose to provide

job or any money was transferred in his account, rather there is evidence that money was transferred in the account of Chhotu.

I have heard learned counsel for the parties and perused the record of the case.

From the perusal of FIR, it appears that on the basis of statement of co-accused Chhotu, the name of applicant was disclosed in the present matter and from the possession of applicant two mobile phones and seven Sim cards were recovered but there is no evidence that applicant used these articles to cheat anyone. Although, applicant is also wanted in two other cases but in those cases he has already been enlarged on bail, therefore, considering the allegation and evidence collected by the Investigating Officer against the applicant and the fact that applicant is in jail since 19.08.2022, in view of this Court, it is a fit case to release the applicant on bail.

In the light of discussions made above, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

Let the applicant - **Praveen Arnav** 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) 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 or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

Order Date :- 11.1.2023

AK Pandey