

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 53792 of 2022

**Applicant :-** Islam

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

**Counsel for Applicant :-** Irshad Ahmad

**Counsel for Opposite Party :-** G.A., Ram Pyare, Sudhir Kumar Pandey

**Hon'ble Ajay Bhanot, J.**

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.04 of 2022 at Police Station-Cyber Crime, District-Moradabad under Sections 420, 467, 468, 471, 419, 411, 120B, 34 IPC and Sections 66C and 66D of the Information Technology Act. The applicant is in jail since 08.06.2022.

The bail application of the applicant was rejected by the learned trial court on 30.09.2022.

The following arguments made by Shri Irshad Ahmad, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Munne Lal, learned A.G.A. for the State as well as Shri Ram Pyare, learned counsel for the opposite party from the record, entitle the applicant for grant of bail:

(1). Transfers were made from the informant's bank account by issuing self cheques as well as RTGS to the bank account of the principal offender-Om Veer.

(2). No money was credited by the informant in the bank account of the applicant.

(3). The applicant is not a beneficiary of the any illicit transaction.

(4). Prosecution evidence does not connect the applicant with the offence.

(5). The applicant does not have any criminal history apart from the instant case.

(6). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Islam be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court

on the date fixed, unless personal presence is  
exempted.

**Order Date :-** 27.1.2023

Ashish Tripathi