

Court No. - 92

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46962 of 2022

Applicant :- Rajat

Opposite Party :- State of U.P.

Counsel for Applicant :- Kanjaanan Pyare Singh, Bhawesh Pratap Singh, Prabhakar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P. and perused the record.

The present bail application has been filed by the applicant seeking bail in Case Crime No. 415 of 2022, under Section 420 IPC, Section 3/10 of the U.P. Public Examinations (Prevention of Unfair Means) Act, 1998, Section 66D of the Information Technology Act, Police Station Noida Sector-58, District Gautam Budh Nagar.

Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. Submission is that there is no independent eye witness of the alleged incident. Further submission is that there are general allegations against the applicant. It is further stated that there is no criminal history of the applicant except the present case. It is further submitted that the co-accused Deepak Kumar and Praveen Kumar have already been enlarged on bail by another Co-ordinate Bench of this Court vide orders dated 14.12.2022 and 15.12.2022 passed in Criminal Misc. Bail Application Nos. 47038 of 2022 and 47478 of 2022 respectively. Copy of the bail order has been produced before the Court. Learned counsel for the applicant has next submitted that the applicant having better case for getting bail on account of parity. There is no prospect of trial of the present case being concluded in near future due to heavy dockets. It is also submitted that there is no apprehension that after being released on bail, he may flee from the course of law or may, otherwise, misuse the liberty of bail and the applicant is in jail since 14.09.2022 and the possibility of conclusion of trial in near future is very bleak.

Learned A.G.A. has vehemently opposed the prayer for grant of bail, but he has not disputed the above contention made by the learned counsel for the applicant.

Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and keeping in mind that co-accused has already been released on bail by this Court and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

Let the applicant, **Rajat**, involved in above mentioned case crime number be released on bail on their executing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

- (i) The applicant shall not tamper with the evidence.
- (ii) The applicant shall not indulge in any criminal activity.
- (iii) The applicant shall not threaten the informant and witnesses and further shall cooperate in the investigation.
- (iv) The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the learned court below will take recourse to law of cancellation of bail of the applicant.

Order Date :- 20.12.2022
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