

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50157 of 2022

Applicant :- Santosh Jaat

Opposite Party :- State of U.P.

Counsel for Applicant :- Sujan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1.Heard Sri Sujan 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 a first information report alleging that on the basis of an information received from a Mukhbir, the police had intercepted a car and had apprehended five persons sitting in it, including the applicant. The same FIR at another place mentions that four persons were apprehended while they were trying to run away from a guest house and those persons also said to have included the applicant. It alleged that two mobile phones and a motorcycle have been recovered from the applicant.

4.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.

5.The applicant's previous criminal history has been explained in paragraphs - 18 and 19 of the affidavit, in one of which the applicant has already been acquitted and in another case, he has been granted bail.

6.Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail, but he could not dispute the aforesaid aspects of the matter.

7.Having considered the aforesaid facts and submissions and

keeping in view the fact that the FIR at one place mentions that the applicant was apprehended from a car while at another place it mentions that he was caught while he was trying to run away from a guest house; that no person, who has allegedly been defrauded by the applicant, has come forward to lodge an FIR and applicant has been implicated merely on the basis of his confessional statement recorded in custody and also keeping in view the fact that several other co-accused persons have already been granted bail, I am of the view that the applicant is entitled to be released on bail in the aforesaid case.

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

9. Let the applicant - **Santosh Jaat** 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 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.

10. 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 :- 5.12.2022

Ashish Pd.