

Court No. - 79

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 54720 of 2022

Applicant :- Deepak @ Deepak Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Dushyant Singh, M.C. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dushyant Singh, the learned counsel for the applicant, Sri Jai Kishan Chaurasia, the learned State Counsel and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 470 of 2022, under Sections 342, 386, 504, 506 IPC, Section 67A of the Information Technology Act, Police Station Jahangirabad, District Bulandshahr during pendency of the trial in the Court below.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.08.2022 against six named accused persons, including the applicant, alleging that co-accused Banti Sharma had shown an obscene photograph of the informant's brother with co-accused Kavita and he had asked the informant that co-accused Kavita had demanded Rs. 15,00,000/- failing which the photograph will be made viral. It is alleged in the F.I.R. that when the informant reached the house of Banti Sharma to pay Rs. 50,000/-, all the accused persons, including the applicant, were present there and they asked the informant for paying Rs. 15,00,000/-.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case and that he has no criminal history.

5. The learned counsel for the applicant has submitted that all the other co-accused persons have already been granted bail in the present case and copies of the bail orders has been annexed as Annexure No. 6 to the affidavit filed in support of the bail application.

6. The applicant is languishing in jail since 29.09.2022.

7. Per contra, the learned State Counsel has opposed the prayer

for grant of bail.

8. Having considered the aforesaid facts and circumstances and keeping in view the fact that the F.I.R. mainly levels allegations against the co-accused persons Banti Sharma and Kavita, both of whom have already been granted bail and three of the other co-accused persons have also been granted bail in the present case, I am of the view that the applicant is entitled to be released on bail.

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

10. Let the applicant **Deepak @ Deepak Sharma** be released on bail in Case Crime No. 470 of 2022, under Sections 342, 386, 504, 506 IPC, Section 67A of the Information Technology Act, Police Station Jahangirabad, District Bulandshahr 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.

11. 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 :- 13.12.2022

Jaswant