

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 57719 of 2022

Applicant :- Shipu Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- S Sengar

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant Shipu Yadav with a prayer to release him on bail in Case Crime No.0011 of 2022, under Sections 419, 420, 467, 468, 471, 120-B Indian Penal Code, 1860 and 66-D of the Information Technology Act, 2000, P.S. Cyber Crime, District Agra during pendency of the trial.

Prosecution case is that some unknown person made a call on 26.09.2019 that in favour of informant a lucky draw was opened/declared that informant won a car and thereafter informant was demanded Rs.25,000/- for its registration. He further stated that informant received instruction on phone that to get car, he had to deposit some more money. Informant deposited Rs.8,52,150/- in the bank but he has not received any car. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. Learned counsel for the applicant submits that he is not named in the FIR. Applicant's name surfaced in the statement of co-accused Gaurav Gupta. Applicant has no concerned with the alleged incident and no amount has been transferred in the account of applicant. There is no prospect of trial of the present case being concluded in near future due to heavy dockets. The applicant is not a previous convict. The applicant is languishing in jail since 28.09.2022 and in case he is enlarged on bail he will not misuse the liberty of bail.

Learned A.G.A. has opposed the bail prayer of the applicant.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case and law laid down by the Apex Court in **Satendra Kumar Antil Vs. C.B.I. & Another, passed in S.L.P.(Crl.) No. 5191 of 2021**, the Court is of

the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Shipu Yadav**, who is involved in the aforesaid case crime, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 2.2.2023
SKD