

Court No. - 49

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44605 of 2022

Applicant :- Raj Kumar Saur

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

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

As per the prosecution story, when informant had went Hamirpur for important work where he searched the customer care number at google for purchasing something. In this search process, the cyber accused withdrawn amount of Rs.74,483/- by ten transactions.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case; that there is no eye witness or any person who has seen the applicant committing the aforesaid offence. It is further submitted that co-accused Sahun @ Sahil has been granted bail by co-ordinate Bench of this Court in Cr. Misc. Bail Application No. 44543 of 2022 by order dated 14.10.2022. Claiming parity, pleading false implication it is lastly contended that the accused applicant is languishing in jail since 01.09.2022 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

On the other hand, learned AGA opposed the prayer for bail.

In this matter, it appears that co-accused has been granted bail and the applicant is languishing in jail since 1.9.2022. Grounds for bail are sufficient. Hence, keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties, the dictum of Apex Court in the case of ***Dataram Singh vs. State of U.P. and another, (2018) 3 SCC 22***, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant **Raj Kumar Saur** involved in Case Crime No. 265 of 2022, under Sections 420 of IPC and Section 66 of the Information Technology Act, 2000, Police Station Kotwali Nagar, District Hamirpur be released on bail on furnishing a personal bond and two heavy 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 will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

5. The applicant shall not directly or indirectly make any 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 or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Submissions and observations made in this order are only for deciding the bail application. The trial Court while deciding the trial will not be influenced with the same.

Order Date :- 20.10.2022//Fhd