

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 38009 of 2022

**Applicant :-** Badshah Alam Alias Aftab Alam

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Satyendra Narayan Singh, Shabana Nizam

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ajay Bhanot, J.**

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No.10 of 2021 at Police Station-Cyber Crime, District-Azamgarh under Sections 419, 420 IPC and Section 67D of the Information Technology Act. The applicant is in jail since 13.03.2022.

The bail application of the applicant was rejected by the learned Sessions Judge, Azamgarh on 06.07.2022.

The following arguments made by Shri Satyendra Narayn Singh, learned counsel assisted by Ms. Shabana Nizam, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

- (1). The applicant has not been named in the F.I.R.
- (2). The applicant is not the beneficiary of the offending transactions.
- (3). Amount was not credited to the account of the

applicant.

(4). Explaining the criminal history of the applicant it is contended that the applicant belongs to State of West Bengal and is convenient scapegoat for the police authorities being the economically poor strata of the society. The said cases do not have any bearing on the instant bail application.

(5). The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Badshah Alam Alias Aftab Alam be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is

exempted.

The applicant is a resident of West Bengal. To ensure that he does not become a flight risk, some additional conditions are being imposed:

1. The applicant shall appear at Police Station-Golawadi, District-Hawrah (West Bengal) on a fortnightly basis.
2. The concerned police station shall submit a report after every two months to the learned Chief Judicial Magistrate of district-Hawrah.
3. Thereafter, learned Chief Judicial Magistrate of district-Hawrah shall send a report of compliance to the learned Chief Judicial Magistrate, Azamgarh.
4. In case any averment made in the bail application or the submissions during the course of argument are found to be false or in case of breach of any of the above condition, the State/prosecution may move an application for cancellation of bail application.

The Registrar General is directed to communicate this order to the Registrar General of Calcutta High Court for compliance.

The trial court is directed to conclude the trial within a period of one year from the date of receipt

of a certified copy of this order. The learned trial court shall proceed with the hearing on a day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to. All witnesses also are directed to cooperate with the trial proceedings. The learned trial court shall promptly take out all strict coercive measures against all the witnesses in accordance with law who fail to appear in the trial proceeding.

Police and administrative authorities of the State are also directed to ensure that the coercive measures adopted by the court are given effect to in a scrupulous manner to ensure the presence of the witnesses on the appointed date before the trial court.

The trial judge shall submit a fortnightly report on the progress of trial and the steps taken to ensure that the trial is concluded within the above stipulated period of time to the learned District Judge, Azamgarh.

**Order Date :-** 3.1.2023  
Ashish Tripathi