

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 32807 of 2022

**Applicant :-** Pratik Mishra

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

**Counsel for Applicant :-** Ram Chandra Solanki

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

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Ram Chandra Solanki, the learned counsel for the applicant, Sri Arun Kumar Pandey, the learned Additional Government Advocate and perused the record.

2. A supplementary affidavit filed today is taken on record.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 112 of 2021, under Sections 420, 406 IPC, Police Station Sahpau, District Hathras during pendency of the trial in the Court below.

4. The aforesaid case has been registered on the basis of an F.I.R. on an application filed under Section 156 (3) Cr.P.C. against the applicant and co-accused Sandeep Mishra alleging that on the false pretext of getting some land from the Government, the accused persons had extracted Rs. 10,00,000/- each from three persons.

5. 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. It has further been stated in the affidavit that the informant had borrowed Rs. 90,000/- from the applicant and he had acknowledged this fact in writing. The applicant has already filed an Original Suit No. 58 of 2021 in the Court of Civil Judge (Junior Division), Etawah for recovery of the aforesaid amount.

6. A supplementary affidavit has been filed in support of the bail application annexing therewith an application dated 20.08.2021 given by the applicant to the Senior Superintendent of Police, Etawah complaining about the aforesaid fact and a copy of the acknowledgement signed by the informant regarding the money borrowed by him has also been annexed with the supplementary affidavit.

7. Per contra, Sri Arun Kumar Pandey, the learned Additional Government Advocate has opposed the prayer for grant of bail and he has submitted that the applicant is involved in another case bearing Case Crime No. 132 of 2021 under Sections 420, 467, 468, 471, 201, 204 and 120B IPC and Sections 16 (c), 71, 74 of the Information Technology Act, Police Station Ashok

Nagar, Jaipur (Rajasthan) and he is in jail in connection with the aforesaid case since 12.12.2021.

8. The learned counsel for the applicant has submitted that the aforesaid fact has been disclosed in paragraph No. 9 of the affidavit and it has further been stated in the affidavit that only allegation against the applicant in that case is that some forged papers had been prepared using the laptop computer of the applicant.

9. Having regard to the aforesaid facts and submissions and keeping in view the fact that the applicant has already filed a suit for recovery of the money from the informant whereas the informant claims to have given money for getting some land from the Government, prima facie, the dispute appears to be regarding some monetary transactions, I am of the view that the applicant is entitled to be released on bail.

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

11. Let the applicant **Pratik Mishra** be released on bail in Case Crime No. 112 of 2021, under Sections 420, 406 IPC, Police Station Sahpau, District Hathras 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.

12. 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 :- 31.10.2022**

Jaswant