

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 35519 of 2022

**Applicant :-** Vijay Singh Chauhan

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

**Counsel for Applicant :-** Santosh Kumar Shukla

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

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

1.Heard Sri Santosh Kumar Shukla, the learned counsel for the applicant, Sri D.K. Srivastava, the learned A.G.A. for the State and perused the record.

2.The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 39 of 2022, under Sections 420, 411 I.P.C. and Section 66 of the Information Technology Act, P.S. Naini, District Fareedpur.

3.The aforesaid case has been registered on the basis of an F.I.R. lodged on 26-01-2022, alleging that some unknown persons had fraudulently withdrawn an amount of Rs. 1,10,000/- from the informant's account by mischievously exchanged his A.T.M. cards; and that the informant came to know about this fact upon reaching back to the home.

4. The police claims to have arrested two persons on 18-04-2021 and it is alleged that Rs. 14,000/- and a country made pistol was recovered from the co-accused Ramu @ Aditya Bhartiya and Rs. 12,000/- was recovered from the applicant.

5.It has been averred in the affidavit filed in support of the bail application that the applicant is an innocent person, he has been falsely implicated in the case, he is having no previous criminal history and he is in jail since 19-04-2022.

6. The learned counsel for the applicant has submitted that after the arrest of the applicant made on 18-04-2022, he has been implicated in 13 cases, in 6 of which the applicant has already been granted bail. Copies of the bail orders have been annexed with the supplementary affidavit.

5.The learned counsel for the applicant has submitted that the co-accused Ramu @ Aditya Bhartiya has already been granted bail by this Court by means of an order dated 22-08-2022 passed in Criminal Misc. Bail Application No. 34828 of 2022.

6.It is further submitted by the learned counsel for the applicant that the case set up against the applicant is similar to that set up against the other co-accused person, who has already been

released on bail, therefore, the applicant is also entitled to be released on bail on the ground of parity.

7.Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail but he could not dispute that the case set up against the applicant is similar to that set up against the other co-accused person, who has already been released on bail.

8.Having considered the aforesaid facts and submissions and keeping in view the fact that the applicant has already been granted bail in 6 other cases of similar nature in which he has been implicated after his arrest and also keeping in view of the fact that the co-accused Rakesh has already been granted bail by this Court whereas the applicant is languishing in jail since 19-04-2022, I am of the view that the applicant is entitled to be released on bail pending conclusion of the trial. The bail application is accordingly allowed.

9.Let the applicant - **Vijay Singh Chauhan** be released on bail in Case Crime No. 39 of 2022, under Sections 420, 411 I.P.C. and Section 66 of the Information Technology Act, P.S. Naini, District Fareedpur on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to 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.

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

**Order Date :- 10.10.2022**

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