

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 28808 of 2022

**Applicant :-** Sageer

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

**Counsel for Applicant :-** Chandrajeet Yadav

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

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

1. Heard Sri J.P. Yadav, Advocate holding brief of Sri Chandrajeet Yadav, the learned counsel for the applicant, Sri Shashi Shekhar Tiwari, the learned Additional Government Advocate and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 398 of 2021, under Sections 379, 411, 420 IPC, Sections 43, 65, 66 of the Information Technology Act, Police Station T.P. Nagar, District Meerut during pendency of the trial in the Court below.

3. The aforesaid case has been registered on the basis of an F.I.R. dated 05.07.2021 alleging that Rs. 13,20,000/- were found to be short in an A.T.M. machine. The F.I.R. does not contain the name of any person.

4. On 30.11.2021, five persons, including the applicant, were arrested by the Police and it is alleged that two cars and a motorcycle was recovered from the applicant.

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. In the affidavit filed in support of the bail application, it has been stated that apart from the present case, the applicant has been falsely implicated in the Case Crime No. 1728 of 2021 under Sections 420, 380, 34, 468, 471, 474, 120-B IPC and Sections 43, 65, 66 of Information Technology Act, Police Station Indrapuram, District Meerut in which he has been granted bail by means of an order dated 17.06.2022 passed by the learned Incharge Sessions Judge, Ghaziabad.

6. The learned counsel for the applicant has submitted that the co-accused persons Maharaj @ Mehraj and Jamir Shekh @ Jamiruddin @ Amit and Shahnawaj have been granted bail in the present case crime and copies of the bail orders have been annexed as Annexure No. 8 to the affidavit filed in support of

the bail application.

7. The applicant is languishing in jail since 01.12.2021.

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

9. Having regard to the aforesaid facts and submissions and keeping in view the fact that the applicant is not named in the F.I.R. and the F.I.R. does not contain any allegation against the applicant and as also the fact that no incriminating material has been recovered from the applicant and that three of the other co-accused persons have already been granted bail, 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 **Sageer** be released on bail in Case Crime No. 398 of 2021, under Sections 379, 411, 420 IPC, Sections 43, 65, 66 of the Information Technology Act, Police Station T.P. Nagar, District Meerut 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 :- 13.9.2022**

Jaswant