

Court No. - 50

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 54377 of 2022

Applicant :- Santosh Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Kumar Ojha, Ravish Chandra Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Ram Manohar Narayan Mishra, J.

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

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 134 of 2022, under Sections 419, 420, 467, 471, 120B IPC, Section 66D of the Information Technology Act, Police Station Reoti, District Ballia during pendency of the trial in the Court below.

The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.04.2022 alleging fraudulent withdrawal of Rs. 45,000/- from the informant's bank account in four transactions made on 08.01.2022 and 29.03.2022.

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 and that he has no previous criminal history.

The learned counsel for the applicant has submitted that co-accused Ramesh Yadav @ Pintu and Vinod Kumar Sharma, who are allegedly arrested along with the present applicant, are already enlarged on bail by Co-ordinate Benches of this Court and copies of bail orders are produced before the Court for perusal. Applicant is not named in the FIR. The police has falsely shown recovery of one laptop, three finger print scanner machine, one finger print rubber clone and a photo copy of the Aadhar Card whereas as a matter of fact, no recovery has been made from the possession of applicant and applicant was picked by the police from his own Grahak Seva Kendra in order to implicate him in this case. No public witness has been enjoined in the alleged recovery. The money of Rs.45,000/- involved in the present case was allegedly transferred in the account of co-accused Vinod Kumar Sharma. The applicant is languishing in jail since 17.08.2022.

Per contra, the learned State Counsel has opposed the prayer for grant of bail.

Having considered the aforesaid facts and circumstances and keeping in view the fact that the applicant has been implicated in the present case after his arrest in another case; that no incriminating material has been recovered from the applicant and that the applicant has been granted bail in another case, in which he has been implicated after his arrest and that two of the other co-accused persons have already been granted bail in the present case, I am of the view that the applicant is entitled to be released on bail.

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

Let the applicant **Santosh Yadav** be released on bail in Case Crime No. 134 of 2022, under Sections 419, 420, 467, 471, 120B IPC, Section 66D of the Information Technology Act, Police Station Reoti, District Ballia 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.

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 :- 5.12.2022

Kamarjahan