

Court No. - 79

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47965 of 2022

Applicant :- Ramesh Yadav @ Pintu

Opposite Party :- State of U.P.

Counsel for Applicant :- Devottam Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Devottam Pandey, the learned counsel for the applicant, Sri Jai Kishan Chaurasia, the learned State Counsel and perused the record.

2. 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.

3. 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. The Police claims to have arrested five persons, including the applicant on 16.08.2022 and merely a mobile phone, which the applicant claims to be belonging to himself, was recovered from him. On the basis of his alleged confessional statement recorded after his arrest in Case Crime No. 108 of 2022, the applicant has been implicated in the present case as also in another case bearing Case Crime No. 30 of 2022 under Sections 419, 420, 467, 468, 471, 120B IPC and Section 66D of the Information Technology Act, Police Station Ubhaon, District Ballia.

4. 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.

5. The learned counsel for the applicant has submitted that the applicant has already been granted bail in Case Crime No. 30 of 2022 by means of an order dated 11.11.2022 passed by this Court in Criminal Misc. Bail Application No. 47868 of 2022. Co-accused persons Suraj Yadav, from whom a finger print clone is alleged to have been recovered has already been granted bail by means of an order dated 18.11.2022 passed by this Court in Criminal Misc. Bail Application No. 50045 of 2022. Another co-accused Vinod Kumar Sharma has also been granted bail by means of an order dated 21.11.2022 passed by

this Court in Criminal Misc. Bail Application No. 50622 of 2022.

6. The applicant is languishing in jail since 16.08.2022.

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

8. 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.

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

10. Let the applicant **Ramesh Yadav @ Pintu** 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.

11. 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 :- 1.12.2022

Jaswant