

Court No. - 92

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44543 of 2022

Applicant :- Sahun@ Sahil

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

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

By means of this application, the applicant, Sahun@ Sahil, who is involved in Case Crime No. 265 of 2022, under Sections 420 of IPC and Section 66 of the Information Technology Act, 2000, Police Station Kotwali Nagar, District Hamirpur and is in jail since 01.09.2022, is seeking enlargement on bail during the trial.

As per the prosecution story, when informant had went Hamirpur for important work where he searched the customer care number at google for purchasing something. In this search process, the cyber accused withdrawn amount of Rs.74,483/- by ten transactions.

Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. It is further submitted that there is no eye witness or any person who has seen the applicant committing the aforesaid offence. It is further submitted that applicant is an illiterate person and do not know to operate mobile and the mobile which is alleged to have been recovered from him was not of applicant. It is further submitted that there is no previous criminal history against the applicant. It is further submitted that the applicant is languishing in jail since 01.09.2022, and in case of being released on bail, he will not misuse the liberty of bail and will cooperate in trial.

The learned A.G.A. has opposed the prayer for grant of bail to the applicant, but could not dispute the aforesaid facts.

Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties, without expressing any opinion on the merit of the case, I find it to be fit case for granting bail.

In view of the above, let the applicant be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the following conditions :-

1. The applicant will continue to attend and co-operate in the trial pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before he is accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

Order Date :- 14.10.2022

A.N. Mishra