

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14171 of 2022

Applicant :- Dinesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Syed Shahnawaz Shah, Ashish Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Supplementary affidavit filed by the applicant is taken in the record.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No.1392 of 2018 at Police Station-Lisadi Gate, District-Meerut under Sections 420, 409, 467, 468, 471, 120B IPC and Section 66C of the Information Technology Act and Section 39 of the Aadhar Act and Section 3/7 of the E.C. Act. The applicant is in jail since 22.04.2021.

The bail application of the applicant was rejected by the learned trial court on 03.01.2022.

The following arguments made by Shri Ashish Srivastava, learned counsel assisted by Shri Syed Shahnawaz Shah, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Sunil Kumar Srivastava, learned A.G.A. from the record, entitle the applicant for grant of bail:

(1). The applicant is a victim and not the

perpetrator of fraud.

(2). The aadhar card of the applicant was fraudulently used to illegally draw the essential commodities.

(4). Explaining the criminal history of the applicant it is contended that the applicant has been falsely implicated by the State authorities to cover up their own defaults. The said cases have no bearing on the instant bail application.

(5). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

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

Let the applicant-Dinesh Kumar be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence

or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 11.1.2023

Ashish Tripathi