

Court No. - 79

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50483 of 2022

Applicant :- Pawan Chaudhari Alias Pawan Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Bahadur Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ram Bahadur Singh, the learned counsel for the applicant, Sri Arun Kumar Pandey, 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.740 of 2022, under Sections 419, 420, 467, 468, 471 IPC, and Section 66C and 66D of the Information Technology Act, Police Station Tajganj, District Agra.

3. As per the F.I.R. allegations, the Police had apprehended 13 accused persons, including the applicant, on the basis of information received from a Mukhbir that all the accused persons were involved in defrauding the aspirants of Government jobs. It is alleged that two mobile phone, driving licence, PAN card, Aadhar Card and Rs. 100/- were recovered from the applicant. The FIR mentions at another place that the applicant and some other accused persons were apprehended when they were trying to run away from a guest house.

4.The learned counsel for the applicant has submitted that the co-accused Sonu Kumar Yadav, Anil Kumar, Dharm Singh and Prabhat Sharma have already been granted bail by means of orders dated 28.11.2022, 24.11.2022 and 05.12.2022 passed by this Court in Criminal Misc. Bail Applications No. 52766 of 2022, 52814 of 2022, 50323 of 2022 and 50098 of 2022 respectively.

5.It is further submitted by the learned counsel for the applicant 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, therefore, the applicant is also entitled to be released on bail on the ground of parity.

6.It has been averred in the affidavit filed in support of the bail application that the applicant is an innocent person, he has been falsely implicated in the case, he is having no previous criminal

history and he is in jail since 03.10.2022. It has also been stated in the affidavit that there is no possibility of the applicant tampering with any evidence and in such circumstances, the applicant is entitled for bail. It is also stated in the affidavit that the applicant will not misuse the liberty of bail and he will fully cooperate in the investigation.

7. Per contra, the learned Additional Government Advocate has opposed the prayer for grant of bail but he could not dispute 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.

8. Having considered the aforesaid facts and circumstances and keeping in view the fact that as per the FIR allegations, the accused persons were apprehended on an information received from a Mukhbir and it is alleged that all of them confessed their involvement in defrauding aspirants of government jobs and no such aspirant has come forward to lodge an FIR that the applicant has defrauded him; that at one place the FIR mentions that the applicant was apprehended from a vehicle and at another place it mentions that the applicant and some other accused persons were apprehended when they were trying to run away from a guest house, and also keeping in view the fact that all the other four co-accused persons have been granted bail, I am of the view that the applicant is also entitled to be released on bail pending conclusion of the trial.

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 **Pawan Chaudhari Alias Pawan Kumar** be released on bail in Case Crime No.740 of 2022, under Sections 419, 420, 467, 468, 471 IPC, and Section 66C and 66D of the Information Technology Act, Police Station Tajganj, District Agra 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 :- 5.12.2022

Jaswant