

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46811 of 2022

Applicant :- Shubham

Opposite Party :- State of U.P.

Counsel for Applicant :- Amir Khan

Counsel for Opposite Party :- G.A., Suhas Subhash Mehta

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No.368 of 2022 at Police Station-Kotwali, District-Muzaffar Nagar under Sections 420, 406 IPC and Section 66(b) of the Information Technology Act. The applicant is in jail since 29.06.2022.

The bail application of the applicant was rejected by learned Additional District and Sessions Judge, Court No.6, Muzaffar Nagar on 09.09.2022.

The following arguments made by Shri Amir Khan, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Markandey Singh, learned AGA from the record, entitle the applicant for grant of bail:

- (1). The transaction was finalized between the informant and the principal offender-Vipul Jain.
- (2). The amount was credited to the bank account of the said Vipul Jain.
- (3). The applicant was not party to the transaction or negotiations with the informant.
- (4). The said Vipul Jain has gone scot-free and has not been arrested till date.

(5). The applicant does not have any criminal history apart from the instant case.

(6). 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-Shubham 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 :- 4.1.2023
Ashish Tripathi