

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 24990 of 2022

**Applicant :-** Vikas Kumar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Hemendra Pratap Singh, Mukesh Kumar Upadhyay, Subhash Chandra Vishwakarma

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Diwakar Tiwari, Advocate holding brief of Sri Mukesh Kumar Upadhyay, 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. 4 of 2022, under Sections 420, 120-B, 201 IPC, Sections 66-C, 66-D of the Information Technology Act, Police Station Cyber Crime, District Agra during pendency of the trial in the Court below.

3. The aforesaid case has been registered on the basis of an F.I.R. alleging that some unknown person called the informant and induced him for transferring Rs. 37,00,000/- in the accounts told by him for making investment in 'MCX trading'. It is alleged that the informant had deposited a total of Rs. 37,00,000/- out of which, Rs. 25,00,000/- were deposited in an account of ICICI Bank.

4. During investigation, it transpired that out of Rs. 37,00,000/-, a sum of Rs. 25,00,000/- have been deposited in the applicant's account out of which Rs. 22,63,920/- have been released in favour of the informant by means of an order passed the Trial Court.

5. 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 criminal history.

6. he applicant is languishing in jail since 21.02.2022.

7. Although the State has filed a counter affidavit but nothing has been stated in the counter affidavit regarding the criminal history of the applicant.

8. The learned counsel for the applicant has submitted that out

of a sum of Rs. 25,00,000/- which was deposited by the informant in the applicant's account a sum of Rs. 22,63,690/- has already been released in favour of the applicant and the applicant is willing to re-pay the balance amount at the time of his release from the custody.

9. Without making any comment on the merit of the case and also keeping in view the fact that the informant had deposited a sum of Rs. 25,00,000/- in the informant's account out of which a major sum has already been released in his favour and the applicant has expressed his willingness to re-pay the balance amount; that the applicant has no criminal history, I am of the view that the applicant is entitled to be released on bail.

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

11. Let the applicant **Vikas Kumar** be released on bail in Case Crime No. 4 of 2022, under Sections 420, 120-B, 201 IPC, Sections 66-C, 66-D of the Information Technology Act, Police Station Cyber Crime, 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 shall pay the balance amount out of Rs. 25,00,000/- to the informant at the time of or before his release from the custody.**

(ii) The applicant will not tamper with the evidence during the trial.

(iii) The applicant will not influence any witness.

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

(v) 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.

12. 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 :- 17.11.2022**

Jaswant