

## Shahwan vs State Of U.P. on 19 December, 2022

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 79

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46870 of 2022

Applicant :- Shahwan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd Aadil Siddiqui, Mohd Zubair

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohd Zubair, the learned counsel for the applicant, Sri Dinesh Kumar Srivastava, the learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No.17 of 2022, under Sections 467, 468, 471, 201 I.P.C. and 66-D I.T. Act, P.S. Cyber Crime, District Agra.
3. It is submitted by learned counsel for the applicant that three other co-accused persons Babloo Paswan, Tozib Khan and Sahib Khan have already been granted bail in the added Sections by means of orders dated 29.11.2022 and 2.11.2022 passed by this Court in Criminal Misc. Bail Application Nos.50839 of 2022, 48795 of 2022 and 48644 of 2022 respectively.
4. Earlier the applicant had been granted bail in the aforesaid case by means of order dated 18.7.2022 in Criminal Misc. Bail Application No.28770 of 2022 under Section 420, 406, 34, 120B, 419 and 472 IPC, PS-Cyber Crime, District Agra. Subsequently, during investigation, the police has added Sections 467, 468, 471, 201 IPC and 66-D of IT Act.

5. When the applicant has already been granted bail in the present case merely because some other sections have been included during investigation on the basis of same facts which have already been taken into consideration by this Court while passing bail order dated 18.7.2022, I am of the view that the applicant is entitled to be released on bail in the added Sections also.

6. Let the applicant - Shahwan be released on bail in Case Crime No.17 of 2022, under added Sections 467, 468, 471, 201 IPC and 66-D of I.T. Act, P.S. Cyber Crime, District Agra on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to 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.

7 .In case of breach of any of the above condition, the prosecution shall be at liberty to move an application bail before this Court seeking cancellation of bail.

Order Date :- 19.12.2022 Deepika