

Court No. - 54

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11406 of 2020

Applicant :- Sandeep Kumar Rai

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Dubey, Abhishek Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Joshi, J.

Applicant-Sandeep Kumar Rai seeks bail in Case Crime No. 1739 of 2019, under Sections 406, 420, 467, 468, 471, IPC and Section 66-D of Information Technology(Amendment) Act, 2008, Police Station Kotwali Orai, District Jalaun.

Heard learned counsel for the applicant and learned AGA for the State.

It has been argued by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case due to ulterior motive; that the applicant is not named in the FIR, that neither the mobile number nor the account numbers mentioned in the FIR belong to the applicant and alleged recovery of two mobile phones from the possession of the applicant is false and planted one as there is no independent witness of the same; Besides above submissions, the circumstances which according to learned counsel for the applicant led to the false implication of the accused-applicant has also been tried to be touched upon at length; It has been further submitted that applicant is in jail since 28.11.2019 and he is not a previous convict; and that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial and thus, the applicant is entitled for indulgence.

Bail has been opposed by learned AGA on behalf of the State.

The points pertaining to nature of accusation, severity of punishment, reasonable apprehension of tampering the witnesses, prima facie, satisfaction regarding proposed evidence and genuineness of the prosecution case were duly considered.

Without expressing any opinion on the merits of the case, and also any observation, if it has come touching the merits of the case, that will not come in the way of learned Trial Court/Court concerned while taking final decision in the matter, I am of the view that it is a fit case for bail.

Let the above mentioned applicant involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence, shall cooperate in the investigation or trial and will not indulge in any criminal activity or commission of any crime after being released on bail.

2. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 18.3.2020

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