

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4372 of 2023

Applicant :- Aman

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Rai, Avesh Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 640 of 2022 at Police Station-Bahjoi, District Sambhal under Sections 420, 411, 380 I.P.C. and Section 66D of I.T. Act. The applicant is in jail since 01.12.2022.

The bail application of the applicant was rejected by the learned trial court on 05.01.2023.

The following arguments made by Shri Amit Rai, 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 applicant is the neighbour of the victim. Fraudulent transactions were committed by the nephew/care taker of the victim who happens to be a good friend of the applicant.

(2). The applicant provided the account number of his parents to the principal offender in good faith. The money was remitted to the bank account of the parents of the applicant without his knowledge or consent.

(3). Recovered money was planted on the applicant at

the behest of the principal offender.

(4). The applicant is a class 12 student who has a bright future ahead of him. Further incarceration in jail will interrupt his academic pursuits and blight his future.

(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 her 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- **Aman** 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 :- 28.2.2023

Dhananjai