

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44111 of 2022

Applicant :- Jay Karan @ Pappu Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Atul Pandey, Chandan Yadav, Dewarshi Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

Supplementary affidavit filed on behalf of applicant is taken on record.

Heard learned counsel for the applicant and learned AGA for the State-opposite party.

The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 206 of 2021, under Sections 406, 419, 420 IPC, police station - Baberu, District - Banda during the pendency of the trial.

It is contended that the applicant has been falsely implicated in the instant case. The applicant and the informant were involved in business transactions for past several years. There was no intention on the part of the applicant to cheat the informant. The applicant suffered final reverses due to Covid-19 pandemic and hence was unable to pay the amount. It is next contended that co-accused Amit Patel, has been granted bail by this Court in Criminal Misc. Bail Application No. 39884 of 2021 (Amit Patel Vs. State of UP) vide order dated 16.5.2022. Apart from the instant case, the applicant is involved in Case Crime No. 465 of 2022 under Section 3/25 Arms Act, police station - Kotwali, District - Fatehpur in which he has been granted bail by the court below. The applicant is in jail since 16.08.2022 and if he is released on bail, he will not misuse the said liberty.

Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

Let the applicant - Jay Karan @ Pappu Patel involved in the

aforesaid case be released on bail on his furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

1. the applicant shall not temper with the prosecution evidence;
2. the applicant shall not pressurize the prosecution witness;
3. the applicant shall appear on each and every date fixed by the trial court.

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

Order Date :- 31.1.2023
S.K.S.