

Court No. - 35

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21645 of 2024

Applicant :- Monu Sharma @ Monu Pandit

Opposite Party :- State of U.P.

Counsel for Applicant :- Raghuvansh Misra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Ashwani Tripathi , learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.72 of 2024, under Sections 420, 467, 468, 471 and 34 IPC, Police Station-Nawabad, District-Jhansi, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that on the basis of false allegation, applicant has been made accused in the present matter and he never involved in the alleged offence of paper-leak. He further submits that along with the applicant, co-accused Rajneesh Ranjan and Monu Kumar were also apprehended and both have released on bail by co-ordinate Bench of this Court. He placed the bail orders of both the accused during the course of arguments, which are taken on record and collectively marked as 'A'.

4. He further submitted that case of applicant is at par with co-accused Rajneesh Ranjan and Monu Kumar. He next submits that all the alleged offences are triable by Magistrate-I class.

5. He further submits that however, apart from the present case, applicant is having previous criminal history of one another case, but his criminal history has been explained in paragraph-14 of the affidavit. He further submits that however, when the applicant was arrested in the present matter then he was also made accused in three other cases, but in all the four cases, applicant is on bail. He further submits that in the present matter, applicant is in jail since 5.4.2024.

6. Per contra, learned AGA opposed the prayer for bail, but could not dispute the factual arguments advanced by learned counsel for the applicant.

7. I have heard learned counsel for the parties and perused the record of the case.

8. However, as per allegation, applicant along with others involved in the offence of paper-leak, but it reflects that nothing incriminating was recovered from his possession and co-accused Monu Kumar and Rajneesh Ranjan, who was also apprehended along with the applicant, have already been released on bail vide bail orders dated 23.5.2024 and 3.6.2024 passed in Criminal Misc.Bail Application Nos.20321 of 2024 and 19776 of 2024 and it appears that case of applicant is at part with them.

9. Further, however, apart from the present case, it appears that applicant is also having criminal history of four other cases, but his entire criminal history has been explained in the instant bail application and in all the four cases, applicant is on bail.

10. Further, all the alleged offences are triable by Magistrate-I class and applicant is in jail since 5.4.2024.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

13. Let the applicant- **Monu Sharma @ Monu Pandit** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) 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 or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 18.6.2024

LN Tripathi