Court No. - 64
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53553 of 2023
Applicant :- Alok Jha
Opposite Party :- State of U.P.
Counsel for Applicant :- Mohd Aadil Siddiqui
Counsel for Opposite Party :- G.A.,Jawahir Yadav

Hon'ble Ajay Bhanot,J.

Shri Zeeshan Khan, learned counsel for the applicant, Shri Jawahir Yadav, learned counsel for the informant and learned AGA for the State are present.

Learned AGA on the basis of instructions contends that the bank officials are not cooperating in the investigation process. They are withholding material evidences which is creating impediments in the course of justice.

Bank officials are expected to be law abiding citizens who are under an obligation of law to cooperate in criminal investigations being conducted by the police. The police authorities shall take out appropriate criminal proceedings against the bank officials who are not cooperating in the investigations. The police has ample authority under the statute to proceed as per law against persons who withhold evidence or obstruct investigations into the crime. The instructions available with the learned AGA are not satisfactory.

Prima facie the lackadaisical attitude of the police authorities and their failure to conduct the criminal investigations in a professional and thorough manner is a cause for concern. The menace of cyber crime is too self evident to be restated. However, the gravity

of the offence does not absolve the responsibility of the police to conduct efficient and prompt investigation.

Learned AGA to obtain instructions from the concerned officials.

This Court in the bail application of co-accused registered as Criminal Misc. Bail Application No. 28424 of 2023 (Arshad vs. State of U.P.) has expressed its concern regarding the poor investigations in this case. The persons who had opened the forged bank accounts were not investigated and their identities have not been established.

Some typographical errors were pointed out in the order dated 19.09.2023 passed by this Court in Criminal Misc. Bail Application No. 28424 of 2023 (Arshad vs. State of U.P.). Records of the said bail application shall also be produced on the next date of listing.

Put up this matter on 24.04.2024 at 10 A.M. in the list of fresh cases.

Order Date :- 22.4.2024
Vandit

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Hon'ble Ajay Bhanot,J.

This is the second bail application.

Affidavit filed on behalf of Additional Director General of Police, Meerut Zone, Meerut is taken in the record.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No.381 of 2022 at Police Station-Pilkhuwa District-Hapur under Section 420, 406, 419, 467, 468, 471, 411 I.P.C. and Section 66D of IT Act. The applicant is in jail since 22.07.2022.

The bail application of the applicant was rejected by this Court on 27.02.2023.

The following arguments made by Shri Zeeshan Khan, learned counsel, Shri Mohd. Aadil Siddiqui, learned counsel, Shri Kalim Akhtar, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Anoop Kumar Sharma, learned counsel holding brief of Shri Jawahir Yadav, learned counsel for the first

informant and Shri Chandan Agrawal, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.

2. The applicant never influenced any witness or tampered with the evidence.

3. The applicant never adopted any dilatory tactics or impeded the process of the trial.

4. The trial is moving at a snail's pace and is not likely to conclude anytime in the near future. The applicant is not responsible for the delay in the trial.

5.The investigations too are moving at their own speed without cognizant of the fact that the life and liberty of the applicant is being compromised because of such delays.

6. Inordinate delay in concluding trial had has led to virtually an indefinite imprisonment of the applicant without there being any credible evidence to implicate him in the offence and violates the rights of the applicant to speedy trial.

7. The applicant has explained his criminal history. It is also contended that the applicant has become a soft target and a convenient scapegoat for the police authorities who nominated him in a number of false cases to burnish their professional credentials. The said cases do not have any bearing on the instant bail application.

8. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his 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- **Alok Jha** 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.

The learned trial court is directed to fix the sureties after due application of mind in light of the judgement rendered by this Court in **Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt. (Application U/S 482 No.2613 of 2023)**.

The learned trial court shall ensure that the right of bail of the applicant granted by this Court is not frustrated by arbitrary demands of sureties or onerous conditions which

are unrelated to the socioeconomic status of the applicant.

It is further directed that in case the applicant or any accused does not cooperate in the trial or adopt dilatory tactics, the learned trial court shall record a finding to this effect and cancel the bail without recourse to this Court.

Learned trial court is directed to ensure that the proceedings of criminal complaint lodged against the concerned bank officials who are not cooperating in the investigating and suppressing evidences are concluded expeditiously as per law.

Order Date :- 24.4.2024
Dhananjai