

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12260
of 2023

Applicant :- Vishnu Gupta Alias Vishnu Kumar Gupta

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, U.P.
Govt. Lucknow

Counsel for Applicant :- Mohit Sharma, Mukul Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohit Sharma, the learned counsel for the applicant, Sri Anurag Verma, the learned AGA-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in an FIR bearing Case Crime No. 860 of 2020, under Sections 406, 419, 420, 467, 468, 471 IPC, Police Station Kotwali Nagar, District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of a first information report (F.I.R.) lodged on 24.12.2020 against 13 named persons, including the applicant and one unknown person, alleging that the informant, his family members and acquaintances had invested about Rs. 31 crore in Eye Vision India Credit Cooperative Society Limited and other companies under an allurements of lucrative return. After maturity of the aforesaid investment, when the informant tried to take her money back, the Company refused to do so.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case. It has also been stated in the affidavit that the applicant does not hold any position in the aforesaid Company and he has been implicated in the present case merely because his brother Ajit Gupta is Director in the said Company.

5. The applicant's criminal history of 50 cases of similar nature, all arising out of transactions of the aforesaid Company has been disclosed in para-29 of the affidavit filed on behalf of the applicant stating that the applicant has been granted bail in 46 of those cases. It has also been stated that the co-accused Anjani Kumar Kaushal, Ashish Tiwari, Ram Gopal Gupta and Om Shankar Kaushal have already been enlarged on bail by means

of orders dated 27.07.2023, 11.05.2023, 28.07.2022 & 03.03.2023 passed by this Court in Criminal Misc. Bail Application Nos. 9437 of 2023, 5118 of 2022, 5017 of 2022 and 3458 of 2023 respectively.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not a Director of the company in which the informant had made investments; that the applicant is merely brother of a Director of the Company Ram Gopal Gupta who has already been granted bail, I am of the view that the applicant is also entitled to be released on bail.

7. Accordingly, this bail application stands ***allowed***.

8. Let the applicant-***Vishnu Gupta Alias Vishnu Kumar Gupta*** be released on bail in the aforesaid Case Crime No. 860 of 2020, under Sections 406, 419, 420, 467, 468, 471 IPC, Police Station Kotwali Nagar, District Faizabad/Ayodhya, on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 16.10.2023

Pradeep/-