

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14027 of 2023

Applicant :- Vishnu Gupta

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko.

Counsel for Applicant :- Mukul Kumar Sharma, Mohit Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohit Sharma learned counsel for the applicant, Ms Charu Singh the learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 537 of 2020, under Section 409 I.P.C., registered at Police Station Kotwali Nagar, District Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged against fourteen persons, including the applicant alleging that the informant had invested some amount in Anee Bullian Trading Company and he did not get a refund upon maturity of the investment.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case for the reason that he is elder brother of the co-accused Ajit Kumar, who is Director of the aforesaid company. It has also been submitted on behalf of the applicant that he is also involved in 50 other similar cases. It has been stated that he has been granted bail in 18 cases. It has also been submitted that the applicant has been granted bail in five more cases.

5. The applicant has already been granted bail by means of the order dated 14.07.2023 passed by this Court in Criminal Misc Bail Application No.8860 of 2023 in respect of offences under Sections 420, 406, 467, 468, 471, 506 and 120-B IPC. Subsequently, Section 409 IPC has also been added after investigation by the EOW and the instant application has been filed seeking bail in the aforesaid added section.

6. The learned A.G.A. has opposed the prayer for bail but she

could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has already been granted bail in the present case and merely Section 409 IPC has been added on the same set of allegations, I am of the view that the applicant is entitled to be granted bail in the added section also in the aforesaid crime.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-**Vishnu Gupta** be released on bail in aforementioned case on 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.

10. 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 :- 29.11.2023

Renu/-