

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 28772 of 2023

Applicant :- Mohd. Azam Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Shashi Bhushan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for applicant, learned A.G.A. and perused the record.

2. This bail application has been preferred by the accused-applicant, Mohd. Azam Ali, who is involved in Case Crime No. 175 of 2019, under Sections 419, 420, 504, 506, 147 I.P.C. P.S.- Gwaltoli, District- Kanpur Nagar.

3. Learned counsel for the applicant in support of his prayer for bail submits that the applicant is innocent and he has been falsely implicated in the present case. It is further submitted that Nikhil Kushwaha and Abhay Kumar were the directors of Infinity World Infra Housing Private Limited and Abhay Kumar, Nikhil Kumar, Neelam Verma were the directors of Hello Ride Limited Company. As per article of association, the directors were entitled to operate the financial accounts of the company and to receive the payments, made endorsements, draw and accept negotiable instruments and bills or may authorize any other person or persons to exercise the such powers. The applicant was not holding any position in the Infinity Word Infra Housing Private Limited at the time of alleged incident. The applicant is an ex-employee of the Hello Ride Limited Company. The applicant was neither the director of the company nor authorized to exercise any financial power of the board of directors. The applicant was simply an employee of the company. It is further submitted that the informant had invested the money in the company and as per terms and conditions of the company through agreement for which the applicant was not liable, if any, fraud committed with the informant. The applicant neither issued any payment to the informant nor received any amount from him either in cash or in his account. During investigation, the Investigating Officer neither found any single amount nor any property from the applicant.

4. Learned counsel for the applicant further submits that Nikhil Kushwaha, who was the director of the company has already been enlarged on bail by the Coordinate Bench of this

Court vide order dated 22.10.2021 passed in Criminal Misc. Bail Application No. 29929 of 2021. Similarly, Rajesh Pandey has also been enlarged on bail by the Coordinate Bench of this Court vide order dated 7.2.2023 passed in Criminal Misc. Bail Application No. 3735 of 2023. The copies of the bail orders have been annexed as Annexure nos. 5 and 6 to the affidavit. The applicant has criminal history of 11 cases and in all the cases applicant has been enlarged on bail. The copies of the bail orders have been annexed with the affidavit. It is submitted that the applicant has been enlarged on bail in case crime no. 343 of 2022, under Sections 409/420 and 120-B IPC vide order dated 28.10.2023 and in another case he has been enlarged by the apex court through criminal appeal no.2138 of 2023 arising out of SLP (Crl) NO. 4783 of 2023 vide order dated 26.07.2023. There is no likelihood of absconding or tampering with the prosecution evidence.

5. Learned A.G.A. vehemently opposed the prayer for bail.

6. In view of the facts and circumstances of the case and the submissions made by learned counsel for both sides and going through the record, without commenting on the merits of the case, I find it a fit case for bail.

7. Let applicant, **Mohd. Azam Ali**, be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:

(i) The applicant shall appear on the date fixed by the trial Court;

(ii) The applicant shall not tamper with the prosecution evidence;

(iii) The applicant shall not pressurize the prosecution witnesses.

(iv) The applicant shall appear before the SHO/SO of the concerned police station in the first week of every month till further order of the trial court.

8. In case of default of any of the conditions enumerated above, liberty is given to the trial court to cancel the bail of the applicant without any reference to this Court.

Order Date :- 6.11.2023

Prajapati