

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 7617 of 2023

Applicant :- Ashok Kumar Gupta And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Kuldeep Singh, Vipin Vinod

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Supplementary affidavit filed by learned counsel for applicant today, is taken on record.

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

3. Apprehending their arrest in Case Crime No. 515 of 2022, under Sections 419, 420, 467, 468, 471, 504, 506 I.P.C., Police Station- Kotwali, District- Ballia, the present anticipatory bail application has been moved by the applicants - Ashok Kumar Gupta and Ashish Kumar Gupta seeking anticipatory bail.

4. In persuasion of the present applicant and other accused persons, several persons of the city invested a huge amount of money in Pragati Vinayak Nidhi Limited company of subsequently no money was repaid to any person and huge amount of money of the poor people was grabbed by the applicants. FIR was lodged on 30.09.2022 and investigation started, which is still in progress.

5. It is submitted by the learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. It is further submitted that although applicant no. 1 is Director in Pragati Vinayak Nidhi Limited, applicant no. 2 Ashish Kumar Gupta has absolutely no concern with the aforesaid company and he has been implicated in the matter only on account of being brother of the applicant no. 1. It is further submitted that the company of the applicant no. 1 is never indulged in criminal activities and no public money was grabbed by the applicants. It is also submitted that investigation of this case is still going on. The criminal history of applicants has been explained. It is further submitted that the applicants have been cooperative during the course of investigation of the case and as such, he is entitled for

anticipatory bail.

6. Per contra, learned A.G.A. vehemently opposed the prayer for anticipatory bail and submitted that whenever some amount was deposited in the company, receipt thereof was handed over to the concerned person. It is further submitted that about Rs. 10 lac have been grabbed fraudulently by all the named accused persons and applicant no. 1 and 2 have actively participated in the commission of crime of fraud. The applicant no. 2 is also one of the directors in the company. Their offence is very serious and since it relates to a great fraud played with the public at large and as such, they are not entitled for anticipatory bail.

7. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, in my view, it appears that custodial interrogation is required in the matter and it is not a fit case for anticipatory bail to the applicants till the end of trial. The prayer made in the application is refused.

8. The anticipatory bail application is **rejected**.

Order Date :- 28.10.2023

Sharad/-