

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32342 of 2023

Applicant :- Girja Shankar Jaiswal

Opposite Party :- State of U.P.

Counsel for Applicant :- Sujeet Kumar, Chhaya Gupta

Counsel for Opposite Party :- G.A., Pranshu Gupta, Swetashwa Agarwal

Hon'ble Pankaj Bhatia, J.

1. Heard Ms. Chhaya Gupta, learned counsel for the applicant as well as learned A.G.A. and Sri Pranshu Gupta, learned Counsel for the complainant and perused the record.
2. The FIR in question was lodged alleging that the applicant, by misusing the letterheads of two organizations, used to make unsubstantial complaint of various hotels with a view to extract money. In the entire FIR, the allegations are with regard to the applicant using the letterheads of the two organizations for making complaint.
3. The submission of the Counsel for the applicant is that a similar allegation was made against the applicant being Case Crime No.03 of 2023 in which, the applicant was enlarged on bail vide order dated 09.06.2023 (Annexure-9). She further argues that the FIR in question registered as Case Crime No.0027 of 2023 assuming all the arguments to be gospel truth, for the sake of argument, no offence is said to be made out under Sections 415, 419, 420, 467 IPC and in any case, the allegations pertaining to the offence under Sections 419, 420 IPC are punishable for a terms of less than 7 years, thus, in view of the law laid down in the case of Satender Kumar Antil vs Central Bureau of Investigation; 2022 LiveLaw (SC) 577, the applicant is entitled to be released on bail.
4. The Counsel for the applicant further argues that the applicant is in custody since 09.04.2023 and the criminal antecedents of the applicant has been duly explained in para 15 of the bail application.
5. The applicant undertakes that he shall not to make any complaint in future of the nature which has been done.

6. The Counsel for the informant, on the other hand, argues that complaints made were found to be correct and they were made only with a view to extract money from various hotels.

7. Considering the submissions made at the bar, prima facie, the offence is misuse of a letterheads of two organizations for making complaint and in view of undertaking given by the applicant through the Counsel that he will not make any complaint as alleged in the FIR., I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is **allowed**.

8. Let the applicant **Girja Shankar Jaiswal** be released on bail in FIR/ Case Crime No.27 of 2023, under Sections 419, 420, 467, 468, 384, 471 IPC, Police Station Dashashwamegh, District Varanasi on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 20.11.2023

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