

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44098 of 2023

Applicant :- Jainuddin Ansari

Opposite Party :- State of U.P.

Counsel for Applicant :- Arvind Prabodh Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Arvind Prabodh Dubey, learned counsel for the applicant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 441 of 2021, under Sections 419, 420, 406, 506 of the I.P.C, Police Station Pipraih, District - Gorakhpur, during the pendency of trial.

3. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the instant case in the absence of cogent evidence. Learned counsel for the applicant has further contended that the applicant has no *mens rea* to commit an offence being unemployed person he joined the alleged company, he is neither the Director nor the policy maker of the company. He was also not a signatory of the company. No money has been deposited in his account. He has not taken any amount wrongfully. The role of the applicant is lesser than the role of co-accused Ratan Chand Divedi. The applicant has no criminal antecedent to his credit except the cases mentioned in the affidavit. It is next contended that the co-accused- Ratan Chand Divedi, authorized signatory, having severe role, has been granted bail by coordinate Bench of this Court in **Criminal Misc. Bail Application No. 15401 of 2023** vide order dated 13.07.2023. Copy of the order is annexed as Annexure No. 6 to the application. The applicant claim parity. The applicant is in jail since **03.07.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicant.

5. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant - **Jainuddin Ansari**, involved in the

aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

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

7. 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 :- 3.11.2023

Vinod.