

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 46243 of 2023

**Applicant :-** Sanjay Vishwkarma

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Ajay Kumar Pandey, Sr. Advocate

**Counsel for Opposite Party :-** G.A., Devendra Kumar Tiwari, Neeraj Kumar Pandey

**Hon'ble Pankaj Bhatia,J.**

1. Heard Sri Satish Trivedi, Senior Advocate assisted by Sri Ajay Kumar Pandey the counsel for the applicant, Sri Devendra Kumar Tiwari the counsel for the informant as well as learned AGA and perused the record.

2. The accused-applicant seeks bail in Case Crime No.226 of 2014 under sections 419, 420, 467, 468, 471 IPC, P.S. George Town, District Prayagraj.

3. The FIR in question was lodged alleging that the informant had deposited certain amounts with a company known as IDB Financial Solutions under their guaranteed returned plan. It is stated that the applicant was the AGM of the said company and the Manager of the said company was one Ambuj Srivastava. It is also stated that subsequently, the said Ambuj Srivastava had given two cheques of Rs.5,00,000/- (Five lacs) and Rs.4,00,000/- (Four lacs) each in the year 2012 which, when presented to the Bank, returned dishonored.

4. In sum and substance, it is argued that despite agreeing to pay, the amounts were not paid. Admittedly, the cheques were issued by Ambuj Srivastava in favour of the informant that too in the year 2012. It is stated that Ambuj Srivastava is still in custody. As regards the applicant, he had approached this Court for grant of Anticipatory Bail, which was granted in his favour vide order dated 18.03.2021. Subsequently, it is informed that a charge-sheet has been filed and the cognizance has been taken by the Magistrate and in terms of the said cognizance, the applicant was arrested and is in custody since 02.09.2023.

5. The counsel for the informant, on the other hand, strenuously argues that the informant being an illiterate lady had given valuable security, which was not returned and she has been cheated.

6. Considering the fact that the amounts, admittedly, were deposited sometimes in the year 2011 and the returned cheques

were given to the informant in the year 2012 and subsequently, the applicant was enlarged on anticipatory bail which he has not misused, as such, the applicant who is in custody since 02.09.2023 is entitled to be enlarged on bail. Thus the bail application is allowed.

5. Let the applicant ***Sanjay Vishwkarma*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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.

7. However, the trial court is directed to expedite the trial and preferably conclude the same within a period of six months.

**Order Date :- 2.11.2023**  
VNP/-