Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47724 of 2023

Applicant :- Purushottam Lal Vishwakarma
Opposite Party :- State of U.P.
Counsel for Applicant :- Arvind Kumar Srivastava
Counsel for Opposite Party :- G.A.,Niraj Tiwari

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA'; Shri Niraj Tiwari, learned counsel for the informant and perused the record.

2. In terms of the allegations levelled in the FIR, it was alleged that the informant had parted away with an amount of Rs.38,50,000/- for getting the job as promised. Counsel for the applicant argues that certain amounts of money were paid by the informant with regard to purchase of property and part thereof were duly returned to the informant. Counsel for the applicant has filed a supplementary affidavit today in Court, which is taken on record, demonstrating that certain money(s) were transferred by the applicant's account to the account of the informant.

3. Learned AGA has opposed the bail application.

4. From the facts as narrated above, it appears to be a financial transaction in between the parties as several entries reflected in the statements of account demonstrate that the money(s) was paid by the applicant to the informant. Irrespective of the dispute in between the parties pertaining to the recovery of money, *prima-facie*, I do not see any reason why the applicant should languish in jail, more so, when he has no criminal history of an offence of similar nature as alleged against him, as such, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed.***

5. Let the applicant ***Purushottam Lal Vishwakarma*** be released on bail in FIR No.359 of 2022, under Section 406, 419, 420, 467, 468, 471 IPC, P.S. Tharwai, District Prayagraj on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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 :- 9.11.2023
nishant

Digitally signed by :-
NISHANT MOHAN
High Court of Judicature at Allahabad