

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47850 of 2023

Applicant :- Kanhaiya Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Harshita Raghuvanshi, Santosh Kumar Tripathi, Shashi Prakash Rai, Shrinath

Counsel for Opposite Party :- G.A., Kuldeep Kumar Srivastava, Pavan Kishore

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the parties and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.120 of 2023, under Sections 406, 420, 504, 506, 467, 468, 471 IPC, Police Station Mohammadabad, District Ghazipur, during the pendency of trial.
3. In this case the allegation is that the informant had given a sum of Rs.60,24,279/- for purchase of rice bran and animal food to Shiv Shakti Traders in which the applicant was the proprietor out of which the alleged materials only for an amount of Rs.31,85,467/- has been provided to the informant by the applicant.
4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case due to village rivalry. The alleged case relates to business transaction which is purely civil in nature for which no criminal liability arises against the applicant. It is further contended that the criminal history of the applicant has been explained in paragraph-26 of the affidavit filed in support of the bail application. The applicant is languishing in jail since 24.09.2023. There is no likelihood of his abscondence or tampering with the evidence. In case the applicant is released on bail, he will not misuse the said liberty.
5. The prayer for bail has been vehemently opposed by learned AGA. However, the aforesaid factual aspects could not be disputed by him.
6. Considering the facts, circumstances, the submissions and also the fact that the dispute between the parties is of civil nature but without commenting on the merits of the case, this

Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Kanhaiya Gupta**, 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.

8. 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 :- 29.11.2023

Shahroz/Vinod