

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49171 of 2023

Applicant :- Durga Prasad Dubey

Opposite Party :- State of U.P.

Counsel for Applicant :- Anupama Tripathi, Rakesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. In terms of the FIR, it was alleged that the accused were running a company and one of the conditions for deposit was that they would give a property failing which the amount deposited by the investors shall be refunded. Counsel for the applicant draws my attention to an order passed in a similar offence against the applicant wherein the applicant was enlarged on bail on the promise of repaying the amounts within three months of the release. It is also argued that multiple FIRs have been registered against the applicant. The applicant also promises to repay the amount within four months of being released from custody.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the applicant has been enlarged on bail in a similar offence by this Court coupled with the fact that the applicant has undertaken to repay the amount within four months of being released from custody and primarily the offence in question has mercantile connotation, the applicant who is in custody since 18.01.2023, is entitled to be enlarged on bail subject to his fulfilling the conditions and undertakings as recorded above. In view thereof, the application is ***allowed***.

5. Let the applicant ***Durga Prasad Dubey*** be released on bail in FIR No.261 of 2021, under Section 409, 420, 467, 468, 471, 323, 504, 506 & 120B IPC, P.S. Kotwali City, District Bijnor 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 :- 20.11.2023

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