

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 58109 of 2022

Applicant :- Dharampal

Opposite Party :- State of U.P.

Counsel for Applicant :- Alok Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Pursuant to the order dated 04.09.2023 passed by Hon'ble the Chief Justice, case is listed today as this case has been nominated to this Bench.
2. Heard Sri Alok Kumar Singh, learned counsel for the applicant and Sri Ghanshyam Mishra, learned brief holder for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 361 of 2021, under Sections 420, 467, 468, 471, 406, 34 IPC & 3/4/4/6 Prize Cheats and Money Circulation Schemes (Banning) Act, Police Station-Bahadurgarh, District- Hapur, during pendency of the trial in the court below.
4. FIR of the present case was lodged against applicant and co-accused Ashok and according to the FIR, informant invested Rs. 36 lacs in the firm of the applicant and co-accused Ashok.
5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and merely being director of the firm, he has been made accused in the present matter.
6. He further submitted that from the perusal of the statements of the informant and other witnesses recorded during investigation, it reflects that entire money was transferred in the account of co-accused Ashok. He further submitted that only being director of the firm, applicant has been implicated in as many as 40 other cases and he explained the criminal history of the applicant in the instant bail application.

7. He further submitted that applicant is in jail in the present matter since 22.10.2021 i.e. for almost two year, therefore considering the long incarceration of the applicant, he may be enlarged on bail.

8. Per contra, learned AGA opposed the prayer for bail and submitted that applicant along with other accused persons duped lacs of rupees of common public and he is one of the directors of the firm and from the statements of the informant and other witnesses, it reflects that applicant actively participated in the crime by instigating all the victims that they should deposit the money in his firm and, therefore, even if the money was transferred in the account of co-accused Ashok, then also it cannot be said that applicant was not having any concern with co-accused Ashok.

9. He further submitted that it is a case in which not only informant was duped but also hundreds of other common and innocent people were duped by the applicant and his associates, therefore, number of persons have lodged FIRs against the applicant and, therefore, considering the totality of the facts and circumstances of the case, applicant should not be released on bail.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Although, it appears that applicant is in jail for almost two years but it is a case in which huge public money has been duped by the applicant along with his associates and applicant is one of the directors of the firm and on the instigation of the applicant and co-accused Ashok, informant and other persons transferred their amount in the account of the firm/ co-accused Ashok.

12. Further, there are as many as 42 cases against the applicant and it appears that he duped number of other persons.

13. Therefore, considering the facts and circumstances of the case discussed above, I am not inclined to release the applicant on bail at this stage.

14. Accordingly, the instant bail application is **rejected** at this stage.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

16. However, considering the fact that applicant is in jail for almost two years, trial court is directed to conclude the trial of the case within a period of one year from the date of production of certified copy of this order, strictly as per the provisions of Section 309 Cr.P.C., if there is no legal impediment.

Order Date :- 17.10.2023

KK Patel