

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 880 of 2023

Applicant :- Vijay Prakash Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Perna Verma, Gajendra Pratap, Rinku Verma, Shrayansh Verma, Surya Prakash Singh, Sushil Kumar Shukla

Counsel for Opposite Party :- G.A., Pawan Kumar Sharma, Ram Kumar Singh, Shashank Agnihotri

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Surya Prakash Singh and Ms. Perna Verma, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned A.G.A. for the State as well as Sri Vishnu Kumar, Advocate holding brief of Sri Ram Kumar Singh, the learned counsel for the informant and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 32 of 2022, under Section 406, 420, 467, 468, 471, 506 I.P.C., registered at Police Station Mahanagar, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 03.02.2022 against three persons, including the applicant, stating that the applicant is known to the informant and under pretext of getting a house re-allotted to him from L.D.A, the applicant took Rs. 60 lakhs from the informant in various installments starting from July, 2020. The F.I.R states that some amount was paid in cash and some amount was paid through cheques but it has not been disclosed as to how much amount was paid through cheques.
4. In the affidavit filed in support of the bail application, it has been further stated in the F.I.R that the applicant has given some cheques towards refund of the amount but the cheques were dishonored by the bank because of insufficient funds. It is stated in the F.I.R that out of Rs. 60 lakhs merely 7 lakhs have been refunded by the applicant.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. In para 29 of the affidavit, it has been stated that the applicant is involved in two

other cases, in one of which he has already been granted bail.

6. The State as well as the learned counsel for the informant have filed counter affidavits opposing the bail application.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant claims to have paid money to the applicant, who is a private person, for getting a house allotted from the L.D.A; although the applicant is not an employee of the LDAI that the F.I.R does not disclose as to how much money was given through banking channel and how much amount was paid in cash; that it appears that the applicant had issued cheques to the informant for repayment of the money which has been dishonored and from this fact, lodging of the F.I.R prima facie appears to be barred by Section 142 of Negotiable Instrument Act, coupled with the fact that the applicant is languishing in jail since 01.11.2022 and without any progress of trial without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

8. Accordingly, this bail application stands **allowed**.

9. Let the applicant- **Vijay Prakash Verma** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 26.10.2023/Preeti.