

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2369 of 2023

Applicant :- Ajay Verma @ Jay Shanker Mishra

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

Counsel for Applicant :- Vinod Kumar Pandey, Geeta Shakya, Mithilesh Kumar, Purnendu Chakravarty, Sandhya Bharti

Counsel for Opposite Party :- G.A., Abdhesh Chandra Dwivedi, Awdhesh Kumar Mishra

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shivanshu Goswami, Advocate holding brief of Sri Purnendu Chakravarty, the learned counsel for the applicant, Sri Arpit Kumar, the learned A.G.A. for the State as well as Sri Awdhesh Kumar Mishra, 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. 447 of 2022, under Section 406, 420, 467 468, 471, 120-B, 411 I.P.C., registered at Police Station Hazratganj, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 23.12.2022 against six persons, including one Ajay Verma, stating that one of the co-accused persons Pradeep Chaudhary had offered to get some house keeping contract in Rail Coach Factory awarded to the informant. He had introduced the informant to Ajay Verma, who had demanded Rs. 60 lakhs for getting him the contract. The informant paid the amount but the contract was not awarded to him.
4. The applicant has been implicated in the present case on the basis of information received from a mukhbir that he had projected himself to be Ajay Verma.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

6. The informant has filed a counter affidavit opposing the bail application and the learned counsel for the informant has submitted that Rs. 17 lakhs have been recovered from the applicant's house.

7. A rejoinder affidavit has been filed on behalf of the applicant stating that the amount recovered from the applicant's house belonged to the applicant himself

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that it was the informant himself who had tried to get a government contract by payment of bribe and he has set the criminal law into motion by filing an F.I.R after having failed in the aforesaid endeavor; that apart from the statement of a mukhbir, there is nothing on record to indicate that he applicant is the accused named in the F.I.R and there is no material that the mobile phone used by the named accused Ajay Verma used a sim card issued in the applicant's name and 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.

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

10. Let the applicant- **Ajay Verma @ Jay Shanker Mishra** 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

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