

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4479 of 2023

Applicant :- Sayed Rashid Hashmi

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

Counsel for Applicant :- Rakesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rakesh Kumar Tripathi, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 550 of 2019, under Sections 420, 406, 504, 506 IPC, Police Station Kotwali Nagar, District Ayodhya.

3. The aforesaid case has been registered on the basis of an FIR lodged on 02.07.2019 against six persons, including the applicant, stating that the informant had made some investments in Lokhit Bhartiya Cooperative Society and K.M.J. Land Developers India Limited. The informant and other persons made investments in the aforesaid entity but no returns were paid on their investments.

4. Although, the FIR described the applicant as chairman of the aforesaid, the applicant claims that he was merely a salaried employee of the same and he was working as the General Manager.

5. The State has filed a counter affidavit opposing bail application and it is inter alia been stated that the applicant is involved in 31 other cases, which appears to be of similar nature.

6. A rejoinder affidavit has been filed on behalf of the applicant explaining the applicant's criminal history pointed out in the counter affidavit and it has been stated that the applicant has been granted bail in seven of the cases. The learned counsel for the applicant has submitted that all the cases are of similar nature.

7. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the grievance of the informant is regarding non refund of the amount deposited in a society and the applicant was merely a salaried employee of the society; that he has already been granted bail in 7 other cases of similar nature; that the applicant is languishing in jail since 30.03.2022 and merely charges have been framed till date and not a single witness has been examined and without making any observation, 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 in the aforesaid case.

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

9. Let the applicant-***Sayed Rashid Hashmi*** 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 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.

Order Date :- 1.12.2023

Pradeep/-