

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4562 of 2023

Applicant :- Raj Kumar Pandey @ Raj Pandey

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

Counsel for Applicant :- Ankit Srivastava, Rajneesh Maurya, Umesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ankit Srivastava, the learned counsel for the applicant, Sri Gyanendra Singh, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 361 of 2022, under Section 406, 420, 467, 468, 471, 120-B 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 15.10.2022 against 13 persons, including the applicant, stating that the informant had invested some amount in Royal Palm Infra Company, neither the property was transferred to him nor was his money refunded to him.

4. A supplementary affidavit has been filed on behalf of the applicant stating that the applicant has entered into a compromise with the informant under which a Demand Draft No.020149 dated 04.07.2023 issued by Indian Bank, for Rs. 3 lakhs has been handed over by the learned counsel for the applicant to the learned counsel for the informant in the Court. The learned counsel for the informant is satisfied by the compromise entered into by the informant.

5. Co-accused, Mohd Ismail who was Managing Director of the Company has been granted bail by menas of the order dated 09.08.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.10021 of 2023. It is recorded in the order dated 09.08.2023 that the parties had entered into compromise in which a demand draft of Rs.3,00,000/- had been handed over to the learned counsel for the informant in the Court while granting bail to the aforesaid co-accused person.

6. Applicant's involvement in four other cases has been disclosed in para 17 of the affidavit.

7. Learned counsel for the applicant has submitted that later on the applicant has come to know about two more cases in which he is

involved. The applicant has already been granted bail in 5 cases.

8. Having considered the aforesaid facts and circumstances of the case, coupled with the fact that the applicant is languishing in jail since 11.11.2022 and as per the learned counsel for the applicant, absolutely no progress has been achieved in the trial 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- Raj Kumar Pandey @ Raj Pandey 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 :- 21.11.2023
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