

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5609 of 2023

Applicant :- Shiv Kumar Goswami

Opposite Party :- State Of U.P. Through Its Principal Secretary Home, Civil Secretariat Lucknow

Counsel for Applicant :- Vivek Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Kumar Shukla, the learned counsel for the applicant, Sri Shaunak Singh, the learned AGA-I 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. 128 of 2022, under Sections 409, 420 IPC, Police Station Kotwali Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 05.02.2022 against ten persons, including the applicant, in furtherance of an application under Section 156(3) Cr.P.C. stating that the informant had made some investment in Ani Bullion Group but upon maturity, the amount invested was not repaid to her.
4. In the affidavit filed in support of the bail application, in para 8 it has been stated that the applicant' father was Director in the aforesaid company and the applicant was neither a Director nor any other principal position holder of the company.
5. Applicant's criminal history of 33 cases has been disclosed in para 13 of the affidavit, all of which relate to transactions of the aforesaid society. In 31 cases, the applicant has already been granted bail.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and

keeping fact that the grievance of the informant is regarding non refund of money invested in a company and the applicant's father was Director of the company and he is not a director thereof and that the applicant has already been granted bail in several other cases of similar nature, I am of the view that the applicant is entitled to be released on bail in this case also.

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

9. Let the applicant- **Shivkumar Goswami** 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 20.11.2023
Preeti.