

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6103 of 2023

Applicant :- Mohd. Azam Ali @ Azam Siddiqui

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

Counsel for Applicant :- Janardan Singh

Counsel for Opposite Party :- G.A.,Salma Bano,Saraswati Gupta,Shresth Agarwal

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Janardan Singh, the learned counsel for the applicant, Sri Arpit Kumar, the learned A.G.A. 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. 343 of 2022, under Sections 409/420 & 120-B I.P.C., registered at Police Station Vibhuti Khand, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.06.2022 against three persons, not including the applicant, stating that the informant had made investments in Hello Ride Limited on assurance of lucrative returns. Some amount was paid to the informant but two cheques handed over towards payment of the balance amount were returned by the bank unpaid.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant has been implicated in the present case subsequently because he was a Director of the company since 13.07.2018. The applicant's involvement in 13 cases has been disclosed in a chart appended as Annexure No.7 to the affidavit, in 11 of which the applicant has been granted bail by the learned sessions court and Hon'ble High Court.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the F.I.R. which has been filed after dishonour of cheques handed over towards repayment of money invested in a

company; that an F.I.R. in such circumstances appears to be prima facie barred as per the provisions contained in Section 142 Negotiable Instruments Act and the informant could have availed the remedy of filing a complaint under Section 138 of the aforesaid Act, coupled with the fact that the applicant is languishing in jail since 10.11.2021 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 crime.

7. Accordingly, this bail application stands allowed.

8. Let the applicant-***Mohd. Azam Ali @ Azam Siddiqui*** be released on bail in Case Crime No. 343 of 2022, under Sections 409/420 & 120-B I.P.C., registered at Police Station Vibhuti Khand, District Lucknow 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 :- 28.10.2023

Pradeep/-