

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8240 of 2023

Applicant :- Ajay Srivastava

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

Counsel for Applicant :- Anil Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Anil Singh, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in F.I.R. no.277 of 2022, under Sections 406, 420, 467, 468 and 471 I.P.C., P.S. G.R.P. Charbagh, District Lucknow.

03. As per prosecution story, accused Ajay Kumar Srivastava took the first informant under his undue influence and assured the first informant to arrange a job for him and on this pretext first informant and his son were called to Lucknow. Ajay Srivastava reached at the station and disappeared after taking away laptop, mobile, cash of Rs.60,000/- and other documents belonging to the first informant.

04. It is contended on behalf of the applicant that he is innocent and has been falsely implicated in this case and that nothing has happened as described in the F.I.R.. No fake document was prepared. No such document was recovered. The offence is triable by Magistrate. It is further contended that as far as criminal history is concerned, he is on bail in all the cases except case crime no.351 of 2022. His bail application is pending in case crime no.351 of 2022. the applicant is in jail since 24.08.2022 i.e. more than one year in this case.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that it cannot be said with certainty that how long will it take for trial to conclude.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Ajay Srivastava** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement

under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 20.11.2023

Asha