

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9270 of 2023

Applicant :- Vishal Mishra

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

Counsel for Applicant :- Narendra Gupta, Pankaj Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 367 of 2022, under Sections 420, 406, 467, 468, 471 I.P.C., Police Station Thangaon, District- Sitapur.

It is argued by the learned counsel for the applicant that the applicant was a Bank Mitra and he used to collect money from the investors/ account holders but he did not deposit the same in the bank concerned. From a joint investigation made by the service provider and the Bank the amount of Rs. 9,22,435/- was found to be embezzled by the applicant. It is submitted by the learned counsel for the applicant that this amount has been deposited by the applicant with the Bank. The affidavit of first informant Piyush Shukla and the affidavit of investors are on record to show that the whole amount has been deposited by the applicant. There is nothing due towards him. The applicant is languishing in jail since 22.6.2023, hence, the prayer is made accordingly.

Learned A.G.A. supported the version of the learned counsel for the applicant that the amount which was said to be misappropriated by the applicant has been deposited by him in the bank.

From the perusal of the record, it is found that there is allegation against the applicant of misappropriating the money of the account holders/ investors who is bank Mitra in the concerned bank and after inquiry the amount shown misappropriated by the applicant is said to have been deposited back by him in the bank. This fact is admitted to learned A.G.A. and the affidavit of the first informant is on record to support the version of the learned counsel for the applicant. The

applicant is languishing in jail since 22.6.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case of bail.

The bail application is allowed.

Let the applicant Vishal Mishra who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 11.12.2023

Gss