

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9489 of 2023

Applicant :- Manish Tripathi

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

Counsel for Applicant :- Dilip Kumar Pandey, Anand Kumar Yadav, Bal Keshwar Srivastava, Rishabh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dilip Kumar Pandey, the learned counsel for the applicant as well as Sri Sanjay Maurya, the learned AGA appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking bail in F.I.R. bearing Case Crime No. 82 of 2023, under Sections 420 & 406 I.P.C., registered at Police Station Ibrahimpur, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on against three persons, including the applicant, alleging that a free sewing machine project for self employment was being run by a fake institution which promised to provide free sewing machines to unemployed women. The applicant-Manish Tripathi was Brand Secretary and he extracted Rs.3,000/- to Rs.6,000/- from the candidates. Since, 14.03.2023, he closed down the shop and ran away with the money of general public. The F.I.R. states that the other co-accused persons were used to accompany the applicant.
4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent and he has falsely been implicated in the present case.
5. A counter affidavit has been filed by the State opposing the bail application. A copy of the charge sheet has been annexed with the counter affidavit and it has been stated in the counter affidavit that the applicant is involved in two other cases.
6. A rejoinder affidavit has been filed on behalf of the applicant stating that the applicant has been granted bail in one of the two cases.
7. On the basis of instructions, learned A.G.A. has opposed the

anticipatory bail application and he has produced a copy of relevant extract of case diary for perusal of the court, from which it appears that the co-accused Santosh Mishra had appeared in response to a notice issued under Section 41 (1) Cr.P.C. and he has got his statement recorded, denying the allegations. The Investigating Officer has found implication of other co-accused Shweta Tiwari to be wrong and she has been exonerated and a charge sheet has been submitted against the applicant-Manish Tripathi and a supplementary charge sheet has been submitted against co-accused Santosh Mishra.

8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 05.04.2023 whereas the co-accused person has been granted anticipatory bail by this Court and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Manish Tripathi** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 26.10.2023

Pradeep/-