

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9738 of 2023

Applicant :- Rajendra Prasad Mishra

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

Counsel for Applicant :- Kuldeep Bajpai

Counsel for Opposite Party :- G.A.,Manjusha Kapil

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kuldeep Bajpai, the learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.544 of 2022, under Sections 323, 504, 506, 427, 419, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.06.2022 against nine persons, including the applicant in furtherance of an application under Section 156 (3) Cr.P.C. alleging that the informant used to work as an Agent in S.T.S. Private Ltd. and Growup Future and used to bring investments for the companies. An agreement was executed for sale of a property of the company for Rs.94,00,000/- in favour of the informant but that agreement was also not honored. In the affidavit filed in support the application for bail, it has been stated that although the applicant was a director of the company he has resigned in the year 2019.

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's involvement in 21 other cases has been disclosed in para 25 of the affidavit

filed in support of the bail application, in 20 of which he has been granted bail.

5. The State has filed a counter affidavit opposing the bail application. 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 from the averments made in the F.I.R. prima facie the grievance of the informant appears to be regarding non performance of an agreement dated 17.12.2020 under which an immovable property was agreed to be transferred for Rs.94,00,000/- which agreement has not been registered, and that the applicant is languishing in jail since 31.10.2022 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-Rajendra Prasad Mishra** 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 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.

(Subhash Vidyarthi, J.)

Order Date :- 5.12.2023

Ram.