Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12244 of 2023
Applicant :- Rakesh Gupta
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Sectt. Lko.
Counsel for Applicant :- Amit Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amit Srivastava, the learned counsel for the applicant as well as Sri Sanjay Maurya, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 762 of 2020, under Section 409, 420 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 29.09.2020 against four persons, not including the applicant, alleging that the accused persons, projected themselves as directors of M/s Mashayar Group of Companies and under their allurement, the informant invested some amount in the company and he persuaded his acquaintances also to make investment in the company. However, upon maturity, no amount was paid to the investor.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant was an employee of Ratan Chand Dwivedi and he has not received any benefit from the investment made in the company.

5. The learned counsel for the applicant has submitted that the applicant has been made director of the company without his knowledge by misusing his documents.

6. It has further been stated in the affidavit that the applicant is involved in 19 other cases of similar nature, in 6 of which he has already been granted bail.

7. The learned counsel for the applicant has submitted that co-accused Abhinav Kumar Singh, has already been granted bail by means of an order dated

31.07.2023 passed by this court in Criminal Misc. Bail Application No. 9586 of 2023.

8. The learned A.G.A. has opposed the prayer of the 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 not named in the F.I.R and the informant has not levelled any allegation against him; that the complaint is regarding non-repayment of money after maturity of the investment; that the applicant has not been shown to have received any benefit from the investment and that a co-accused has already been granted bail, coupled with the fact that the applicant is languishing in jail since 10.07.2021 and without making any observations which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the present case also.

10. Accordingly, this bail application stands **allowed.**

11. Let the applicant- **Rakesh Gupta** 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 the 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 :- 13.10.2023
Preeti.

Digitally signed by :-
PREETI GAUTAM
High Court of Judicature at Allahabad,
Lucknow Bench