

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11185 of 2023

Applicant :- Morimisetty Pandu

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

Counsel for Applicant :- Salil Tripathi

Counsel for Opposite Party :- G.A.,Krishana Kumar Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Salil Tripathi, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned A.G.A. for the State as well as Shri Krishna Kumar Singh, the learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 222 of 2022, under Sections 120-B, 409, 420, 467, 468, 471 I.P.C. registered at Police Station Sampurna Nagar, District Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.8.2022 against seven persons, including the applicant at Sl. No. 5, stating that the informant Kishan Sahkari Chini Mills Limited manufactures sugar. It had entered into an agreement dated 14.2.2020 with M/s Venkateshwar Global Trading Pvt. Ltd. under which the purchaser company had to lift the agreed quantity of sugar within two months, but the company lifted less than 10% of the quantity and did not provide requisite documents, due to which the informant could not get subsidy from the Government of India. Two cheques for Rs. 11,28,58,112/- and Rs. 5,64,291/- were given by the Company, which were returned by the bank unpaid due to mismatch of drawer's signatures.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The State and the informant have filed counter affidavits with the application and the applicant has filed a rejoinder affidavit annexing therewith a copy of the agreement dated 14.2.2020. It has further been stated in the rejoinder affidavit that the applicant had resigned from the position of the Director of the Company on 3.5.2017 i.e., long before the execution of the

agreement.

6. The learned AGA and the learned counsel for the informant have opposed the prayer for bail and they have submitted that even after the purported resignation, the applicant was issuing directions on behalf of the Company, and therefore, the resignation appears to be sham.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievances raised in the F.I.R. predominantly appear to be regarding breach of conditions of the sugar supply agreement between two companies; that besides lodging of the FIR, no other proceedings have been initiated for enforcement rights of the agreement; that the applicant was not a Director since before execution of the agreement and that the applicant is languishing in jail since 29.12.2022 and not even a single witness has been examined till date 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.

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

9. Let the applicant- **Morimisetty Pandu** 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.

Order Date :- 15.12.2023

Shravan