

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12614 of 2022

Applicant :- Ashok Gupta

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

Counsel for Applicant :- Avinash Chandra, Avnish Kumar Tiwari, Chandra Prakash Singh, Rakesh Kumar Tripathi, Sandeep Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Chandra Prakash Singh, the learned counsel for the applicant, Sri Akhilesh Kumar Vyas, the learned AGA 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. 395/2021, under Sections 406, 420, 467, 468, 471 IPC, Police Station Shahabad, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.08.2021 against five named persons, including the applicant and some unknown bank account holders, stating that co-accused Shanu Gupta, who was centre incharge of a paddy purchase centre, has committed various illegalities in procurement of paddy and the other co-accused persons are members of his gang and are involved in commission of offence.
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 has filed a counter affidavit opposing the bail application and a copy of the bank statement of the applicant's bank account has been annexed to indicate that several amounts have been deposited in his bank account. However, no details have been stated regarding those deposits and it has not been stated that the amount deposited has been deposited as a result of commission of alleged offence.
6. The applicant is languishing in jail since 04.06.2022 and the learned counsel for the applicant has made a statement at Bar

that only charges have been framed till date and not a single witness has been examined.

7. Having considered the aforesaid facts and circumstances of the case 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 case.

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

9. Let the applicant-***Ashok 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 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 :- 16.11.2023

Pradeep/-