

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12655 of 2022

Applicant :- Anoop Singh

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

Counsel for Applicant :- Chandra Shekhar Sinha,Gaurav Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Chandra Shekhar Sinha, the learned counsel for the applicant as well as Sri Arvind Kumar Pandey, 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. 945 of 2020, under Section 409, 420, 467, 468, 471, 120-B 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 28.11.2020 against 7 persons, including the applicant, stating that the informant had invested some amount with Shine City Developers Pvt. Ltd. for purchasing a plot and the amount had been paid through Anu Verma, Mukund Kumar and Satya Prakash to the company.

4. The learned counsel for the applicant submitted that the applicant was an employee of the company and he has been implicated in several other cases of similar nature. The applicant was arrested on 08.09.2021 in connection with F.I.R No. 1515 of 2019, thereafter his remand was taken in connection with several cases, including the present case. The applicant had applied for grant of bail in Case Crime No. 93 of 2020 under Section 409, 420, 406 I.P.C, Police Station Gomti Nagar, District Lucknow, and the informant had filed a counter affidavit stating that the applicant is not that Anoop Singh, who was the authorized signatory of the company. The authorized signatory of the company is Anoop Singh Nayal and the applicant has wrongly been implicated in place of Anoop Singh Nayal. A photograph of Anoop Singh Nayal was annexed with the affidavit filed by the informant in support of his objections.

5. It has further been stated that the applicant was granted bail in Case Crime No. 93 of 2020 by means of an order dated 30.11.2021 passed by the Additional Session Judge, Court No. 5, Lucknow. The applicant has been granted bail in Case Crime No. 1515 of 2019, by means of an order dated 01.03.2023 in Criminal Misc. Bail Application No.14851 of 2021. In paragraph 17 of the affidavit filed in support of the bail application, the applicant's involvement in a total of 12 cases, now increased to 19 cases, has been disclosed, in eight of which he has been granted bail.

6. Learned counsel for the application has submitted that co-accused Mohd. Shakeel has been granted bail by means of an order dated 26.04.2022 passed by this Court in Criminal Misc. Bail Application No. 4055 of 2022.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R levels allegations against the applicant, who was the authorized signatory of the company and the applicant claims that he was not a authorized signatory of the company; that in the counter affidavit filed by the informant in response to the application filed by the applicant for his release in Case Crime No. 93 of 2020, the informant had categorically stated that the authorized signatory of the company was Anoop Singh Nayal and the applicant has wrongly been arrested in his place; that there is no allegation that the applicant was holding any principle position in the company and he has already been granted bail in eight cases of similar nature and he is languishing in jail since 08.09.2021 and without making any observations 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.

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

10. Let the applicant- ***Anoop Singh*** 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.

Order Date :- 10.10.2023

Pradeep/-