

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13327 of 2022

Applicant :- Nagendra Mishra

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

Counsel for Applicant :- Tanay Hazari, Alka Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Alka Verma, 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. 1021 of 2019, under Section 406 and 420 I.P.C., registered at Police Station Gazipur, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 10.12.2019 against the applicant, describing him as Branch Manager of S.B.I Life Insurance and one Bhanu Mishra, describing him as an agent of S.B.I. Life Insurance, alleging that on persuasion of the accused persons, the informant had made some investments in Smartone Business Pvt. Ltd. He was paid returns on his investments for 12 months but thereafter no amount was paid to him.
4. In the affidavit filed in support of the 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 16 other cases of similar nature has been disclosed in para 40 of the affidavit, in two of which the applicant has already been granted bail.
5. The learned counsel for the applicant has submitted that the applicant is languishing in jail since 20.08.2020 and not even a single witness has been examined till date.
6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

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

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

9. Let the applicant- **Nagendra 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 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 :- 21.11.2023

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