

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12153 of 2023

Applicant :- Om Prakash Verma

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

Counsel for Applicant :- Ajeet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajeet Kumar, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. 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.644 of 2022, under Sections 409, 420 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.07.2022 against eight persons, including the applicant, alleging that the informant and his family members had made investments in STS/Sankalp Group under allurement of lucrative return but upon maturity the money was not refunded to the investors.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case on the basis of wrong averments made in the FIR. The informant had not made any investment in STS/Sankalp Group rather he had made investment in LLC Multistate Agro Co-operative Society Ltd., under various schemes under which they had to be given maturity amount upon completion of investments for various periods. The investors did not deposit the complete amount by paying all the installments rather they filed the FIR. Applicant's criminal history of 46 cases have been disclosed in para 17 of the affidavit, in 20 of which he has been granted bail.

5. The learned counsel for the applicant has submitted that co-accused persons, namely, Abhishek Upadhayay, Atul Kumar Verma, Rajendra Prasad Mishra, Dinesh Kumar Yadav and Pramod Kumar Verma have already been granted bail by this Court in Criminal Misc. Bail Applications Nos.3631 of 2023, 11381 of 2023, 10632 of 2023 and 9644 of 2023 respectively.

6. The learned A.G.A. has filed a counter affidavit and he has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

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

and keeping in view the fact that the applicant is 69 years old person and he is languishing in jail since 06.08.2022 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-Om Prakash Verma 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.

(Subhash Vidyarthi, J.)

Order Date :- 2.11.2023

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