

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12368 of 2023

Applicant :- Ram Kumar Prajapati @ Rajesh Mittal

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

Counsel for Applicant :- Pankaj Shukla,Sampurna Nand Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pankaj Shukla, the learned counsel for the applicant, Sri Rakesh Kumar Singh, 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 an FIR bearing Case Crime No. 529/2021, under Sections 406, 504, 506, 120B, 419, 420, 467, 468, 471 IPC, Police Station Sarojini Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.10.2021 against two persons, not including the applicant, stating that one of the named co-accused persons Sarvesh Mishra had demanded Rs. 72 lakh from the informant under pretext that he had to receive some donation for social service in his trust and he needed money for obtaining approval from RBI. The FIR alleges that the informant had paid some amount to several other persons under instructions of co-accused Sachin Dut Sharma. Rs. 10 lakh were given to the applicant under the instructions of the aforesaid co-accused.

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

5. In para 26 of the affidavit the applicant's involvement in three other cases has been disclosed, in one of which the applicant has been granted anticipatory bail. Named co-accused Sachin Dut Sharma, under whose instructions the informant claims to have paid money to the applicant, has already been granted bail by means of an order dated 21.12.2022 passed by this Court in Criminal Misc. Bail Application No. 14707 of 2022.

6. The learned A.G.A. 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 has no previous criminal history and he is languishing in jail since 24.05.2023, 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 present case.

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

9. Let the applicant-***Ram Kumar Prajapati @ Rajesh Mittal*** be released on bail in Case Crime No. 529/2021, under Sections 406, 504, 506, 120B, 419, 420, 467, 468, 471 IPC, Police Station Sarojini Nagar, District Lucknow 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 :- 18.10.2023

Pradeep/-