

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12384 of 2023

Applicant :- Anand Tripathi

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

Counsel for Applicant :- Yogeshwar Sharan Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Yogeshwar Sharan Srivastava, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A. for the State and perused the records.

2. The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 47 of 2021, under Sections 406, 420, 467, 468, 471 IPC, Police Station Vikas Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 09.03.2021 against five persons, including the applicant, in furtherance of an application under Section 156(3) Cr.P.C. filed on 06.01.2021 alleging that M/s N. Shivkumar Jyotsna Agencies had placed an order for supply of certain goods of TFF Home and Fabric Care Chemicals Pvt. Ltd. on 28.03.2014 through company's salesman/ representative co-accused Sumit Awasthi. Subsequently, the informant came to know that the Sumit Awasthi had issued forged receipts on behalf of the company for Rs. 15 lakh paid by the informant. The F.I.R alleges that the applicant was involved in the conspiracy to cheat the informant by setting up a company Bio Mass Research and Technology Solution, which name is similar to the informant's Biomass Group. The F.I.R further states that the named accused Sumit Awasthi had involved his mother and some relatives also in the conspiracy. The applicant is a relative of Sumit Awasthi.

4. In the affidavit filed in support of the bail application it has been

stated that the applicant is innocent, he has been falsely implicated in the present case.

5. Initially, the informant had lodged an FIR No. 0418 of 2014 against co-accused Sumit Awasthi and his mother alleging an embezzlement of Rs. 1 crore, 70 lakh. After trial co-accused Sumit Awasthi has been acquitted by means of judgment and order dated 27.03.2023 passed by the Chief Judicial Magistrate, Unnao, Numerous other FIRs have also been lodged relating to financial transactions entered into in the year 2014 itself. The present FIR has been lodged in the year 2021 regarding financial transactions entered into in the year 2014.

6. The applicant's criminal history has been explained Para 11, as per which he is involved in 34 cases of similar nature and he has been granted bail in 18 cases, in two cases, the investigating officer has submitted a final report and in one case the applicant has been acquitted.

7. The learned counsel for the applicants has submitted that co-accused Sumit Awasthi, has already been granted bail by means of an order dated 03.07.2023 passed by a coordinate bench of this Court in Criminal Misc. Bail Application No.2386 of 2023.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the transactions in question took place in the year 2014 whereas the FIR has been lodged in the year 2021 and that the applicant has been granted bail in 16 cases of similar cases and that one of the co-accused has already been granted bail in the present case and without making any observations which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the present case also.

9. Accordingly, this bail application is allowed.

10. Let the applicant Anand Tripathi be released on bail in Case Crime

No. 47 of 2021, under Sections 406, 420, 467, 468, 471 IPC, Police Station Vikas Nagar, District Lucknow on furnishing a bail 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 temper 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 :- 18.10.2023
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