

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12451 of 2023

Applicant :- Dipak Shukla

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

Counsel for Applicant :- Arvind Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Sri Shyam Prakash, Advocate, has filed his vakalatnama on behalf of the informant which is taken on record.
2. Heard Sri Arvind Kumar, the learned counsel for the applicant, Sri Amitabh Chaturvedi, the learned A.G.A. for the State as well as Sri Shyam Prakash, the learned counsel for the informant and perused the record.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 484 of 2023, under Section 409, 420, 379 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.
4. The aforesaid case has been registered on the basis of F.I.R. lodged on 24.04.2023 against the applicant and his wife Annapurna Shukla, alleging that the applicant was working as a salesman in the informant's firm, he embezzled about Rs. 8 lakhs and gone missing, taking the ledger book of the office with him. The F.I.R mentions that the applicant's wife Annapurna Shukla (co-accused) has filed an application under Section 156(3) Cr.P.C for putting undue pressure on the informant.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has no criminal history. The has been falsely implicated in the present case for the reason that on 06.04.2023, the applicant had filed a Case Crime No. 18 of 2023 before the prescribed authority, Payment of Wages, 1936 and Deputy Labour Commissioner Ayodhya against the informant for payment of arrears of salary and damages.

6. The learned counsel for the informant has opposed the bail application and he has submitted that having been appointed as an employee, the applicant has committed embezzlement in the informant's firm and he is not entitled to be granted bail.

7. The learned A.G.A. has opposed the prayer of the bail and has submitted that the investigation stands completed and a charge sheet has already been submitted in the case.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the present F.I.R has been filed more than two months after the applicant had filed a complaint claiming arrears of salary and damages; that indicating that there is a monetary dispute between the parties, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 18.08.2023 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- **Dipak Shukla** 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 :- 19.10.2023
Preeti.