

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12551 of 2023

Applicant :- Ajai Prakash Upadhyaya @ Ajai Kumar Upadhyay

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

Counsel for Applicant :- Chandra Shekhar Sinha, Gaurav Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Chandra Shekhar Sinha, the learned counsel for the applicant as well as Sri Gyanendra Singh, 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. 668 of 2020, under Section 406, 419, 420, 506 I.P.C., registered at Police Station P.G.I., District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 17.09.2020 against the applicant and one Ajeet Gupta, alleging that the informant had made some investments in Eye Vision India Credit Society Ltd. and Dhani India Sales Corporation but upon maturity, 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.

5. The applicant's involvement in 46 other cases of similar nature has been disclosed in para 22 of the affidavit filed in support of the bail application and in 44 of which the applicant has already been granted bail.

6. The learned counsel for the applicant has submitted that co-accused Anjani Kaushal, has already been granted bail in the present case by means of an order dated 29.05.2023. passed by a coordinate bench of this Court in Criminal Misc. Bail Application No.7002 of 2023.

7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievance of the informant is against non refund of money invested in a company and the applicant was neither a director nor other principle position holder in the company and he was merely its employee and that the applicant has already been granted bail in 44 other cases of similar nature, coupled with the fact that the applicant is languishing in jail since 18.08.2021 without any progress in trial, 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- **Ajai Prakash Upadhyaya @ Ajai Kumar Upadhyay** 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 :- 27.10.2023

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