

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2320 of 2023

Applicant :- Arpita Garai

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

Counsel for Applicant :- Rajeiu Kumar Tripathi, Diwakar
Singh Gautam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhishek Shukla, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.0252 of 2020, under Sections 420, 406, 506 I.P.C., registered at Police Station Ghazipur, District Lucknow North.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.04.2020 against ten persons, alleging that the informant had invested Rs.2,16,55,000/- in Blue Mart Enterprises under allurement of lucrative of 5% per month interest but his money was not refunded. The applicant is the authorized signatory of the bank account of the company and she is also a director of the company.

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

5. The learned counsel for the applicant has submitted that co-accused Sagar Ghosh has been granted anticipatory bail by means of an order dated 29.08.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1919 of 2023.

6. The learned AGA-I has vehemently opposed that bail application and he has submitted that the case set up against the applicant is not at par with the other co-accused persons who have been granted bail/anticipatory bail as the applicant was the authorized signatory of the account and director of the company. He has submitted that co-accused Sagar Ghosh has

been granted bail after taking into consideration the assertion that he was working as driver in the company and he had wrongly been made a director by misuse of his documents without his knowledge.

7. Having considered the aforesaid facts and circumstances of the case, I am of the view that the the aforesaid facts do not warrant exercise of discretion of this Court by granting pre-arrest bail to the applicant.

8. The anticipatory bail application is ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 19.10.2023

Pradeep/-