

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12447 of 2023

Applicant :- Rahul Tiwari

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

Counsel for Applicant :- K.K. Singh, Faizal Hashmi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Faizal Hashmi, learned counsel for the applicant, Sri Rakesh Kumar Singh, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 227 of 2022, under Sections 406, 420, 504 & 506 I.P.C., registered at Police Station Khandasa, District Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.09.2022 against 5 persons, including the applicant, alleging that on the allurement of the accused persons the applicant had made investments in a company and upon maturity the amount was not repaid to the informant. The F.I.R. contains a request for refund of invested money.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in two other cases has been disclosed in para 15 of the affidavit.
5. The learned counsel for the applicant has submitted that the co-accused Suresh Mishra has been granted bail by this court by means of an order dated 24.02.2023, passed in Criminal Misc.

Bail Application No.2827 of 2023.

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 12.09.2023 and without making any observation, 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 in the aforesaid crime.

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

9. Let the **applicant- Rahul Tiwari** be released on bail in Case Crime No. 227 of 2022, under Sections 406, 420, 504 & 506 I.P.C., registered at Police Station Khandasa, District Ayodhya 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.

(Subhash Vidyarthi, J.)

Order Date :- 19.10.2023
Ram.