

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12598 of 2023

Applicant :- Mohd. Salman

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

Counsel for Applicant :- Purnendu Chakravarty, Abhishek Awasthi, Gauri Suwan Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Purnendu Chakravarty, learned counsel for the applicant, Sri Pragyananad Rai, learned A.G.A. for the State and Sri Sabih Ahmad, learned counsel for the informant and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.136 of 2022, under Sections 406, 409, 420, 506 I.P.C, registered at Police Station Chowk, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.06.2023 in furtherance of a complaint given by the informant to the Deputy Inspector General of Police on 11.04.2023 stating that the informant had invested several lakhs of rupees with the applicant's firm, Salman Enterprises but no benefit was returned to the informant since January, 2018 when the investment was made.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The learned A.G.A. and learned counsel for the informant have opposed the prayer for bail.

Learned A.G.A. has submitted that a charge-sheet has already been submitted against the applicant, which *prima facie* establishes his involvement in commission of the offence alleged.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that grievance of the informant is regarding non return of investments made in the applicant's firm in January, 2018, regarding which it appears that no civil proceedings have been initiated by the informant and it appears that the informant has lodged the FIR to put pressure on the applicant to pay her money without taking recourse to any civil proceeding and that the charge-sheet has already been submitted, therefore, there is no need for custodial interrogation of the applicant; that the applicant has no previous criminal history and he is languishing in jail since 20.08.2023 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.

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

8. Let the **applicant-Mohd. Salman** be released on bail in aforementioned case 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 :- 30.10.2023
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