

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12629 of 2023

Applicant :- Brijesh Sharma

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

Counsel for Applicant :- Gauri Suwan Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gauri Suwan Pandey, the learned counsel for the applicant as well as Sri Rakesh Kumar 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. 57 of 2023, under Section 406, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Vibhuthikhandra, District Lucknow.

3.The aforesaid case has been registered on the basis of F.I.R. lodged on 30.01.2023 against 12 named persons, not including the applicant and some unnamed persons alleging that the accused persons had obtained loan from the informant's Company- Aadhaar Housing Finance Company Limited on the basis of forged documents.

4. During investigation, it came to light that the applicant had also taken loan.

5. The learned counsel for the applicant has submitted that co-accused persons Sameer Arora, has already been granted anticipatory bail by means of an order dated 28.04.2023 passed by a coordinate bench of this Court in Criminal Misc. Anticipatory Bail Application No. 967 of 2023, wherein it is recorded that the Investigating Officer appeared before the Court along with the case diary and informed that the named accused persons had taken loan and when they did not pay installments the company amounted pressure, one Uday Raj Dwivedi deposited installment amount on behalf of all the accused persons. This created suspicion and upon thorough inquiry it came to light that the loans were taken on the basis of forged documents.

6. In para 12 of the affidavit filed in support of the bail application, the applicant is involved in seven other cases and in five of which he has been granted bail.

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 a co-accused person has been granted anticipatory bail after taking into consideration the aforesaid statement made by the investigating officer, coupled with the fact that the applicant is languishing in jail since 31.07.2023, 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- Brijesh Sharma** 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 :- 28.10.2023

Preeti.