

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12637 of 2023

Applicant :- Rajendra Prasad Mishra

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

Counsel for Applicant :- Kuldeep Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kuldeep Bajpai, the learned counsel for the applicant as well as Sri Amit Kumar Dwivedi, 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. 716 of 2022, under Section 420, 409 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.07.2022 against six persons, not including the applicant, stating that the informant had made some investments in Life Long Care Multi State Care Cooperative Society and his sister had made some investments in Sangarsh Total Solution Infra Built Pvt. Ltd. neither any land was transferred to them in return of the investments nor was the invested money returned to them.
4. The applicant has been falsely implicated in the present case on the basis of statement of a co-accused Mahesh Shukla, who stated that the applicant was also involved with him in establishment of a business.
5. The applicant's criminal history of 23 cases has been disclosed in the affidavit filed in support of the bail application, in 13 of which the applicant has already been granted bail. The applicant is languishing in jail since 31.10.2022 and even charges have not been framed till date
6. The learned counsel for the applicant has submitted that co-accused Pramod Kumar @ Pramod Kumar Verma, has already been granted bail by means of an order dated 02.08.2023 passed by this Court in Criminal Misc. Bail Application No. 9719 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, I am of the view that the applicant is entitled to be released on bail.

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

10. Let the applicant- **Rajendra Prasad Mishra** 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.