

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12720 of 2023

Applicant :- Vishwanath Nishad @ Vishwanath Prasad Nishad

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

Counsel for Applicant :- Vishal Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vishal Srivastava, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.93 of 2022, under Sections 409, 420, 120-B I.P.C., registered at Police Station Vibhuti Khand, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.02.2022 against three persons, including the applicant stating that the informant had made investments in a business but the cheque given to him towards its return was returned by the bank unpaid.
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. In para 21 of the affidavit filed in support of the application for bail the applicant's involvement in two other cases of similar nature has been disclosed. It has further been stated in the affidavit that the informant had made investments in the business under an agreement dated 31.03.2021 that he was to be paid agreed returns. The F.I.R. itself discloses that the F.I.R. has been filed after the cheque

given by the applicant was returned by the bank unpaid.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the lodging of the F.I.R. prima facie appears to be barred by the provisions of Section 142 of Negotiable Instruments Act coupled with the fact that the applicant is languishing in jail since 18.12.2021 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-Vishwanath Nishad @ Vishwanath Prasad Nishad** 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 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
Ram.