

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12726 of 2023

Applicant :- Nirmal Tiwari

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

Counsel for Applicant :- Divya Tripathi, Prashant Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Prashant Chaudhary, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I 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. 138 of 2022, under Sections 406 and 420 I.P.C., registered at Police Station Khandasa, District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.06.2022 against four persons, including the applicant, alleging that the co-accused Asha Devi had introduced other three co-accused persons to the informant and they allured the informant for making investments in the company. However, no return was paid on the investments made by the informant.

5. 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 criminal history of two other cases has been disclosed in para 21 of the affidavit, in which the application for his release are pending consideration.

4. Co-accused persons, Baijnath Tiwari, Suresh Mishra and Asha Devi have been granted bail by means of the orders dated 21.07.2022, 25.11.2022 and 11.10.2023 passed in Bail Nos.8015 of 2022, 9438 of 2022 and 12145 of 2023 respectively.

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 all the other co-accused persons have already been granted bail, whereas the applicant is languishing in jail since 21.06.2022 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-Nirmal Tiwari** be released on bail in Case Crime No. 138 of 2022, under Sections 406 and 420 I.P.C., registered at Police Station Khandasa, District Faizabad/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.

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(Subhash Vidyarthi, J.)

Order Date :- 30.10.2023

Ram.