

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12790 of 2023

Applicant :- Shyam Ji Mishra

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

Counsel for Applicant :- Divya Tripathi, Prashant Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Prashant Chaudhary, the learned counsel for the applicant, Sri Gyanendra Singh, the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.823 of 2021 under Sections 420, 406, 504, 506 IPC, Police Station Kotwali Nagar, District Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.12.2021 against 7 persons including the applicant stating that informant had made some investments in 'Maa Media House Pvt ltd' but nothing was paid to him.
4. In the affidavit filed in support of the application, it has been stated that the applicant has been falsely implicated in the present case and he does not hold any position in the Company of 'Maa Media House Pvt ltd'.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case solely because he happened to be the father of the co-accused Rahul Mishra who is Director of 'Maa Media House Pvt ltd'.
6. The applicant's involvement in 13 other cases has been disclosed in para-19 of the affidavit, all of which are based on similar allegations and the applicant has been granted bail in one case. It has also been submitted that the co-accused Pankaj Mishra has already been enlarged on bail by this court by means of an order dated 27.09.2023, passed in Criminal Misc. Bail Application No.11576 of 2023.
7. The learned A.G.A. has opposed the prayer for 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 the grievance of the informant as regarding the non refund of the investment made in company and the applicant is neither a Director nor holding any post in the company and he is languishing in jail since 31.10.2021, whereas a co-accused has been granted bail by this court and without making any observation, which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the present case.

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

10. Let the **applicant-Shyam Ji 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 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 :- 31.10.2023

Ram.