

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13030 of 2023

Applicant :- Rakesh Gupta

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

Counsel for Applicant :- Amit Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amit Srivastava, the learned counsel for the applicant, Smt. Poonam Gupta, the 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. 842 of 2020, under Sections 420, 409, 506 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.10.2020 against three persons, not including the applicant, stating that on the persuasion of the named accused persons, the informant had made some investments in Massire Group of Companies. The informant received return on his investments for two months only but thereafter nothing was paid to him. Although the applicant was not named in the F.I.R. but he has been implicated subsequently because he also happens to be one of the Directors of the Company.
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. The applicant's involvement in 20 other cases of similar nature has been disclosed in para 29 of the affidavit, in ten of which the applicant has been granted bail. A co-accused Abhinav Kumar Singh, who was also similarly placed, has been granted bail by means of order dated 25.9.2023 passed by this Court in Criminal Misc. Bail Application No. 11524 of 2023.
5. Learned counsel for the applicant has submitted that one of the named co-accused person Jainuddin Ansari, who was also one of the Directors of the Company has already been enlarged

on bail by this court by means of order dated 22.08.2023, passed in Criminal Misc. Bail Application No.10495 of 2023.

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 one of the co-accused has already been enlarged on bail by this court coupled with the fact that the applicant is languishing in jail since 10.07.2021 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- Rakesh Gupta be released on bail in Case Crime No. 842 of 2020, under Sections 420, 409, 506 I.P.C., registered at Police Station Gomti Nagar, District Lucknow 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 :- 3.11.2023

Virendra