

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13020 of 2023

Applicant :- Rakesh Gupta

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Sectt. 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 as well as Sri Jayant Singh Tomar, the learned A.G.A.-I 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. 841 of 2020, under Section 409, 420 and 504 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 27.10.2020 against three persons, not including the applicant, alleging that the informant had made some investments in Masayar Group of Companies but after maturity, the amount was not repaid to him.
4. The applicant has been implicated subsequently as he was also a director of the company.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant used to work as an employee of the co-accused Ratan Chand Dwivedi.
6. The applicant's involvement in 20 cases of similar nature has been disclosed in para 29 of the affidavit filed in support of the bail application, in ten of which he has already been granted bail. A co-accused Abhinav Kumar Singh, who was also similarly placed, has been granted bail by means of order dated 19.9.2023 passed by this Court in Criminal Misc. Bail Application No. 11262 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 and keeping in view the fact that the applicant is not named in the F.I.R; that although he is a director of the company, he claims that he used to work merely as an employee and his documents has been misused for making a director of the company and that he has already been granted bail in ten other cases of similar nature, coupled with the fact that the applicant is languishing in jail since 01.08.2021 without even commencement of trial and without making any observations 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 present case also.

9. Accordingly, this bail application stands allowed.

10. Let the applicant- Rakesh Gupta 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 :- 3.11.2023

Virendra