

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13022 of 2023

Applicant :- Rakesh Gupta

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

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. 48 of 2021, under Section 409, 420, 504 and 506 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 20.01.2021 against six persons, not including the applicant, stating that the informant had invested some amount in Mashayar Group of Companies, stating that the informant had invested some amount in January, 2019. Returns of his investments were paid only for two months and thereafter nothing was paid to him.
4. Th applicant has been implicated in the present case because it came to light subsequently that he was also one of the directors of the Company.
5. The learned counsel for the applicant has submitted that the applicant used to work as an employee of co-accused Ratan Chand Dwivedi and he has been made a director of the Company without his knowledge while misusing his documents.
6. The applicant's involvement in 20 cases of similar nature has been disclosed in para 10 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 16.10.2023 passed by this Court in Criminal Misc. Bail Application No. 8095 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 has no criminal history and he is languishing in jail since 01.08.2021 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.

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