

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12908 of 2023

Applicant :- Ashish Kumar Srivastava @ Ashish Srivastava

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

Counsel for Applicant :- Ayodhya Prasad Mishra A.P. Mishra, Ayush Shukla, Jaylaxmi Upadhyay, Rituraj Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ayodhya Prasad Mishra, the learned counsel for the applicant, Sri Sanjay Maurya, 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. 514 of 2020, under Sections 409, 420 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 09.06.2019 against two persons including the applicant describing him as the owner of R.Sons Infraland Developers Pvt. Ltd. stating that the informant had paid some amount to the aforesaid company for purchasing a plot of land but after some time it transpired that the company's office was closed and the amount paid by the informant was not refunded to him.
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. In para 18 and 19 of the affidavit it has been stated that the applicant is ready to settle the dispute after his release and he has given an undertaking that he will settle the dispute within six months from the date of his release from custody.
5. The learned A.G.A. has submitted that the applicant is involved in 125 cases.
6. The learned counsel for the applicant has submitted that the applicant is in custody since 21.05.2019 and some cases have been lodged after the applicant was taken into custody and therefore he has no notice of all the cases but all the cases are of

similar nature. The applicant has been granted bail in 110 cases.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 21.05.2019 without any progress in the trial 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-Ashish Kumar Srivastava @ Ashish Srivastava** 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 will settle the grievance of the informant within a period of six months from the date of his release from custody, failing which this order will stand cancelled automatically after expiry of the aforesaid period;

(ii) the applicant shall not tamper with the prosecution evidence;

(iii) the applicant shall not pressurize the prosecution witnesses;

(iv) the applicant shall appear on each and every date fixed by the trial court.

.

(Subhash Vidyarthi, J.)

Order Date :- 2.11.2023

Ram.