

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13032 of 2023

Applicant :- Rajendra Prasad Mishra

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

Counsel for Applicant :- Kuldeep Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kuldeep Bajpai, learned counsel for the applicant, Sri Manish Kumar Pandey, 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.679 of 2022, under Sections 420 and 409 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.07.2022 against 7 persons, not including the applicant, stating that the informant had made investments in STS/Sankalp Group, but upon maturity, nothing was paid 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. It has been further stated in the affidavit that the applicant's name has surfaced during investigation in the statement of one Mahesh Shukla, who stated that the applicant was also involved in setting up the business. Applicant's involvement in 23 other cases has been disclosed in para 9 of the affidavit in 17 of which he has been granted bail. It has further been stated in the affidavit that the applicant is languishing in jail since 31.10.2022. Even charges have not been framed till date.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case 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.

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

8. Let the **applicant**-Rajendra Prasad Mishra be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023
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