

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13119 of 2023

Applicant :- Aniruddh Prasad Tiwari

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

Counsel for Applicant :- Vijay Kumar Mishra, Akhilesh Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Kumar Mishra, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 50 of 2021, under Sections 420, 406 IPC, Police Station Kachhauna, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.01.2021 against three persons, including the applicant, stating that the applicant used to work as a Branch Manager in Arise India Company, of which the applicant was one of the directors. The company got investments from various persons but did not return the same.

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.

5. The applicant's involvement in 19 other cases has been disclosed in para 45 of the affidavit filed in support of the application and in 12 of which the applicant has already been granted bail.

6. A supplementary affidavit has been filed on behalf of the applicant stating that the applicant is languishing in jail since 18.01.2020, the charges were framed on 19.10.2023 and 18.11.2023 has been fixed as the first date for recording of evidence.

7. The learned A.G.A. has opposed the prayer for 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 languishing in jail for about four years, without examining of any single witness 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 case.

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

10. Let the applicant-***Aniruddh Prasad Tiwari*** 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 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.

Order Date :- 9.11.2023

Pradeep/-