

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2521 of 2023

Applicant :- Nitin Keshavji

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

Counsel for Applicant :- Vivek Raghubanshi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Raghubanshi, the learned counsel for the applicant as well as the learned A.G.A-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 528 of 2008, under Sections 409, 420, 467, 468, 471, 120-B, 109 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 25.06.2008 against one Saurabh Mohan Srivastava, describing him as Managing Director of Tera Camp Investment Consultant Pvt. Ltd., stating that the informant had deposited Rs. 50,000/- with the aforesaid person but that person ran away along with his family members.

4. The applicant has been implicated during investigating as he was one of the directors of the company.

5. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent and he has falsely been implicated in the present case. Co-accused-Nitin Keshavji has been granted anticipatory bail by means of the order dated 03.08.2023 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No.1694 of 2023.

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

7. Keeping in view the fact that the F.I.R alleges depositing the amount with the person Jitendra Kumar Srivastava and not with the company of which he was the managing director and the F.I.R does not contain any allegation against the applicant and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Nitin Keshavji** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i) That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii) That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii) That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 7.11.2023
prateek