

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13276 of 2023

Applicant :- Dharmendra Kaushal

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

Counsel for Applicant :- Vivek Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Kumar Shukla, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A. 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. 62 of 2020, under Sections 409, 419, 420, 467, 468, 471, 504, 506, 120B IPC, Police Station Kumarganj District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.03.2020 against 10 named accused persons, not including the applicant, alleging that some of the co-accused persons introduced themselves as officials of Anee Group of Companies/ Anee Bullion and they induced the informant to make investments in the company. The informant and numerous other persons made investments in the company but thereafter office of the company was closed and the amount invested was not refunded to the informant.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

5. In para 16 of the affidavit filed in support of bail application there is a mention of applicant's involvement in total 55 criminal cases including the present case filed by the persons who had made investments in the aforesaid company. The applicant has been granted bail in 59 cases of similar nature and copies of her bail orders are annexed with the affidavit.

6. Learned counsel for the applicant has submitted that several co-accused persons Vishnu Gupta, Anjani Kumar Kaushal, Kanhaiya Kaushal, Ajay Kumar Upadhyay and Jay Prakash Singh have been granted bail by this Court.

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 FIR does not contain allegation of any act of commission by the applicant; that co-accused persons have already been granted bail; that the applicant has also been granted bail in several other similar cases 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.

9. Accordingly, this bail application stands allowed.

10. Let the applicant- Dharmendra Kaushal 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

(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023
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