Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13313 of 2023

Applicant :- Rakesh Gupta
Opposite Party :- State Of U.P Thru. Prin. Secy. Home Secrt. Lko.
Counsel for Applicant :- Amit Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amit Srivastava, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A. appearing on behalf of the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in FIR/Case Crime No. 858 of 2020, under Section 409, 420, 504 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 31.10..2020 against four persons, not including the applicant, alleging that the accused persons projected themselves as directors of M/s Massiar Infratech Pvt. Ltd. and under their allurement, the informant invested some amounts in the company. However, upon maturity, no amount was paid to the investors.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant was an employee of Ratan Chand Dwivedi and he has not received any benefit from the investment made in the company.

5. The learned counsel for the applicant has submitted that the applicant was made a director of the company without his knowledge by misusing his documents.

6. It has further been stated in para 29 the affidavit that the applicant is involved in 20 other cases of similar nature, out of which he has been granted bail in ten cases. A co-accused person Abhinav Kumar Singh has already been granted bail by this court by means of an order dated 18.08.2023, passed in Criminal Misc. Bail Application No.10313 of 2023.

7. The learned A.G.A. has opposed the prayer of the 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 not named in the F.I.R and the informant has not levelled any allegation against him; that the complaint is regarding non repayment of money after maturity of the investment and that the applicant has not been shown to have received any benefit from the investment, coupled with the fact that the applicant is languishing in jail since 10.07.2021 and without making any observations which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail in the present case also.

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

10. Let the **applicant-Rakesh Gupta** 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 the 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.

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(Subhash Vidyarthi,J.)

Order Date :- 8.11.2023
Ram.

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad,
Lucknow Bench