

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13318 of 2023

Applicant :- Rakesh Gupta

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Sectr. 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 Case Crime No. 859 of 2020, under Section 420, 409, 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 23.10.2020 against four persons, not including the applicant, alleging that the informant had invested some amount in Massaiar Group of Company under allurement of lucrative return but only some amount was paid to the informant and the rest amount was not paid.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he used to work as an employee for co-accused Ratan Chand Dwivedi and he was made a Director of the company without his knowledge.
5. The applicant's criminal history of 20 cases has been disclosed, in para 29 of the affidavit filed in support of the bail application, 19 of which it appears to be of similar nature and one case is related to offence under Section 2/3 of U.P. Gangsters and Anti Social Activities (Prevention) Act, it has been stated in the affidavit that the applicant has already been granted bail in ten cases. It has also been submitted that the co-accused Abhinav Kumar Singh has already been granted bail by this court by means of an order dated 04.09.2023, passed in Criminal Misc. Bail Application No.10960 of 2023.
6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. 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 he has been implicated subsequently for the reason that he is a director of the company; that the applicant has already been granted bail in ten other cases of similar nature, 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 aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

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

9. 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.