

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14034 of 2023

Applicant :- Sharad Kumar Verma

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

Counsel for Applicant :- Vivek Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Chandra, learned counsel for the applicant, Ms. Charu Singh, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed by the applicant in F.I.R. No. 641 of 2022, under Sections 409, 420, 406, 504, 506, 427 IPC, Police Station Kotwali Nagar, District Barabanki with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that the applicant was not associated with the alleged Company, but in mechanical manner, the charge sheet has been filed by the Investigating Officer. It is also submitted that applicant is involved in 43 other cases of identical nature which has been disclosed in para 17 of the affidavit, in 18 of which the applicant has been granted bail. He further submitted that co-accused -Pramod Kumar @ Pramod Kumar Verma has already been granted bail in present case by means of an order dated 31.05.2023 passed by a coordinate bench of this court in Criminal Misc. Bail Application No. 6953 of 2023 .

4. Learned counsel for the applicant vehemently submits that the present F.I.R. was lodged on 01.07.2022, on which date, the applicant was in jail. It is next submitted that the charge sheet has been filed and there is no possibility of tampering of any evidence. It is lastly submitted that the trial is not going on and the applicant, who is in jail since 01.07.2022, is entitled for bail.

It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.

5. Learned A.G.A. opposes the prayer for grant of bail to the applicant and submits that the involvement of the applicant was found during the course of investigation and the applicant was one of the President of the Company. However, he does not dispute that the amount was being operated by one O.P. Verma.

6. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of F.I.R., bail application as well as other relevant documents and as per statement of learned counsel for applicant even charges have not been framed till date, I am of the view that the applicant is entitled to be released on bail.

7. The Application stands allowed.

8. Let applicant -**Sharad Kumar Verma** be released on bail in F.I.R. No. 641 of 2022, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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 office or tamper with the evidence.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A IPC.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section

82 Cr.P.C. may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

Order Date :- 29.11.2023

Renu/-