

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13795 of 2023

Applicant :- Aditya Tripathi @ Aditya Kumar Tripathi

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

Counsel for Applicant :- Suresh Chandra Pandey, Anand Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anand Dubey, learned counsel for the applicant, Sri Anurag Verma, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.005 of 2020, under Sections 420, 467, 468, 471, 204, 120B I.P.C., registered at Police Station S.I.T., District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.05.2020 against four persons, not including the applicant, stating that the informant used to work as District Coordinator in a non-government organization- Society for Rural Environment. Aforesaid society obtained investments through the informant and 25 persons had invested Rs.1.5 Lakh each in the Society. Cheques given to the investors by the society were returned unpaid. The FIR alleges that money was obtained from unemployed persons in the name of providing employment to them and they were duped in this manner.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. The applicant was employed as Regional Coordinator in the aforesaid Society.
5. Applicant's involvement in another case bearing 6 of 2020 under Sections 420, 406 IPC, Police Station SIT Lucknow has been disclosed in para 31 of the affidavit, which has been registered by the

SIT on the same set of allegations.

6. Learned counsel for the applicant has submitted that one accused persons had filed Writ Petition No.17991(MB) of 2021 and their arrest was stayed and the aforesaid writ petition was disposed of by means of the order dated 19.08.2021 whereby arrest of the named accused persons was stayed during the pendency of the investigation.

7. Co-accused Sanjay Mishra and Manish Dubey have been granted bail in the present case, copies of the bail orders have been placed on record.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that grievance of the informant is regarding non refund of the money invested in the Society; the applicant is not named in the FIR and he has been implicated merely because he was also employed in the Society; that the applicant was working as Zonal Coordinator and he was neither the Secretary nor any principal position holder of the Society, two co-accused persons have already been granted bail; 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.

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

11. Let the **applicant-Aditya Tripathi @ Aditya Kumar Tripathi** be released on bail in aforementioned 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 :- 24.11.2023
prateek