

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14141 of 2023

Applicant :- Neeraj Mishra

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, U.P.
Lucknow

Counsel for Applicant :- Durgesh Kumar Shukla, Basant Pandey, Devansh Vikram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Durgesh Kumar Shukla, learned counsel for the applicant, Sri Ajay Kumar Srivastava, 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.214 of 2023, under Sections 323, 406, 419, 420, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Kursi, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.08.2023 against four persons, including the applicant, alleging that accused persons took Rs.2,00,000/- each from several persons for getting them employed but the appointment letters given to them turned out to be fake and the accused persons declined to refund the money paid by various persons.

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. On similar set of allegations, two more FIRs have been lodged against the applicant- (i) FIR No.193 of 2023 under Sections 406, 419, 420, 467, 468, 471, 506, 120B, 34 IPC, Police Station Chinhat, District Lucknow; and (ii) FIR No.115 of 2023 under Sections 406, 419, 420, 467, 468, 471, 120B, 34 IPC, Police Station Kursi, District Barabanki, in both of which, the applicant has been granted bail by this Court and copies of the bail orders have been annexed as Annexure 6 and 7 to the affidavit.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that in the order dated 05.10.2023 granting bail to the applicant in FIR No.193 of 2023, this Court has recorded that the applicant had been taken away from a shop at Kanpur at about 1:15 PM on 12.05.2023, a missing report was lodged through Whats app on 15:15 Hours on the same day i.e. on 12.05.2023 and the arrest memo mentions his arrest made at 8:35 pm from Barabanki and both the other cases were lodged after arrest of the applicant; that no incriminating material has been recovered from the applicant's possession; that the applicant has already been granted bail in both the cases lodged on similar set of allegations 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.

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

8. Let the **applicant-Neeraj Mishra** 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 :- 1.12.2023
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