

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14311 of 2023

Applicant :- Baijnath Tiwari

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

Counsel for Applicant :- K.K. Singh, Faizal Hashmi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Faizal Hashmi, the learned counsel for the applicant as well as Ms. Charu Singh, the learned AGA for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 198 of 2023, under Sections 406, 420, 504 and 506 I.P.C., registered at Police Station Khandasa, District Faizabad/Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.8.2022 against four persons, including the applicant, stating that the informant had made some investments in Shankar Gopalan Company and had made some other family member also to make investments but after maturity, nothing was paid to him. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in 6 other cases has been disclosed in paragraph no. 18 of the affidavit in 3 of which he has been granted bail.
4. One of the accused persons, namely, Suresh Mishra, who is the Director of the Company, has been granted bail by this Court by means of an order dated 2.3.2023 in Criminal Misc. Bail Application No. 3192 of 2023.
5. Co-accused Nirmal Tiwari has already been granted bail by means of an order dated 03.11.2023 passed by this Court in Criminal Misc. Bail Application No. 12992 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 grievance of the applicant is regarding non-return of investments made in a company; that the applicant is a Director in the company and another Director of the company has already been granted bail, I am of the view that the applicant is also entitled to be released on bail.

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

9. Let the applicant-***Baijnath Tiwari*** 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.

Order Date :- 6.12.2023

Pradeep/-