

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14425 of 2023

Applicant :- Santosh Gupta @ Santosh Kumar Gupta

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

Counsel for Applicant :- Ashok Kumar Mishra, Pankaj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashok Kumar Mishra, the learned counsel for the applicant, Sri Virendra Kumar, the learned Additional Government Advocate for the State and perused the material available on record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.62 of 2020, under Sections - 406, 419, 420, 467, 468, 471, 506 Police Station- Maharajganj, District Faizabad/Ayodhya.

3. Learned counsel for the applicant submits that the applicant is not named in the FIR. Applicant is neither Director nor Agent or worker of the company and neither he is beneficiary. It is further submitted that the name of the present applicant is wrongly implicated in the present case. It is further submitted that cheating has been caused by the Director of the Company. It is also submitted that in case the applicant is enlarged on bail he shall not tamper with the evidence or misuse the liberty of bail and will also cooperate in the trial proceedings.

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's criminal history of 28 cases of similar nature has been disclosed in para 13 of the affidavit, in 9 of which the applicant has been granted bail.

5. Learned counsel for the applicant also submits that co-accused persons, namely, Brijesh Upadhyay, Anjani Kumar Kaushal and Dharmendra Kaushal have already been granted bail by this Court. Copies of their bail orders have been annexed as Annexure no. 4 to the affidavit filed in support of the bail

application. Another co-accused Ashish Tiwari and Om Shankar, have been granted bail in the present case passed by this Court vide orders dated 04.10.2020 passed in Criminal Misc. Bail Application Nos. 11854 of 2023 and 11853 of 2023 respectively.

6. On the other hand, learned AGA has opposed the prayer for bail but could not controvert the aforesaid factual matrix.

7. Considering the facts and circumstances of the case and taking into account the fact that applicant is neither Director nor Agent or worker of the company and neither he is beneficiary and cheating has been caused by the Director of the Company and without expressing any opinion on the merits of the case, it would be appropriate to enlarge the accused-applicant on bail.

8 The bail application is **allowed.**

9. Let applicant- **Santosh Gupta @ Santosh Kumar Gupta** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with 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.

(Subhash Vidyarthi,J.)

Order Date :- 7.12.2023

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