

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14416 of 2023

Applicant :- Santosh Gupta @ Santosh Kumar Gupta

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

Counsel for Applicant :- Ashok Kumar Mishra,Pankaj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 450 of 2020, under Sections 419, 420, 406, 467, 468, 506, I.P.C., Police Station Purakalandar, District- Faizabad.

It is argued by the learned counsel for the applicant that it is a case of parity. The bail of co accused persons namely Ram Gopal Gupta and Anjani Kumar Kaushal has been granted by the coordinate benches of this court. There is allegation of misappropriating the money along with other various persons. There is no allegation that any amount was received by the applicant in his account. The present applicant was only a clerk in the said company. There is no recovery from the possession of the applicant. The applicant is languishing in jail since 10.8.2021, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that there is criminal history of 28 cases to the credit of the applicant. The role assigned to the applicant is to encourage the public to invest money in the firm/company in question. The applicant is a relative of the main accused Ajeet Gupta, the Managing Director of the firm.

From the perusal of the record, it is found that there is allegation that one Ajeet Kumar Gupta established a firm in the name of M/s Ani Bullion Traders and launched various schemes luring the public at large to invest more and more money in the said company. The present applicant is said to happen the nephew of Ajeet Kumar Gupta. It is alleged that Rs. 30 lacs of the first informant and his relatives was invested in the company and later on Ajeet Kumar Gupta, the Managing Director of the firm, refused to pay the money back. Admittedly, no amount is said to have deposited in the account

of the present applicant and it is also not alleged that any amount was paid to the present applicant. Co accused Ram Gopal Gupta, Vishnu Gupta and Anjani Kumar Kaushal having identical role have been granted bail by the coordinate benches of this court. The applicant is languishing in jail since 10.8.2021.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case of bail.

The bail application is allowed.

Let the applicant Santosh Gupta @ Santosh Kumar Gupta who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 7.12.2023

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