

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14374 of 2023

Applicant :- Ajay Upadhyay @ Ajay Prakash Upadhyay

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

Counsel for Applicant :- Suresh Kumar Upadhyay

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.

This application has been moved by the applicant - Ajay Upadhyay to enlarge him on bail in Case Crime No. 28 of 2023 under Sections 406, 419, 420, 467, 468, 471, 504, 506 IPC, Police Station Kotwali Bikapur, District Faizabad/Ayodhya.

It is argued by the learned counsel for the applicant that the applicant was mere an employee in Eye Vision India Cooperative Society, wherein the first informant is said to have invested Rs. 4,00,000/-. The amount is said to be deposited with the firm and its Managing Director, Ajit Gupta is said to have paid back the amount of the first informant as a cheque, which is said to be bounced. No case under N.I. Act has been filed by the first informant. Though, the criminal history of 47 cases is shown to his credit but all these are the cases relating to the same offence that the amount deposited by the first informants of these cases was misappropriated by the present applicant and other co-accused persons. The applicant is bailed out in all these cases except two cases including the present case. The applicant is languishing in jail since 18.08.2021, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that the father of the present applicant was the Chairman of Eye Vision India Cooperative Society. The present applicant was only an employee in the sister concern, Ani Bullian Traders. The amount is said to have been deposited in the company itself and a cheque was issued by the Managing Director of the company, which is said to have been bounced.

From perusal of the record, it is found that the money deposited by the first informant is said to have been deposited in the sister concern of Eye Vision India Cooperative Society and the sum

deposited is said to have been returned by cheque by the Managing Director of the company, Ajit Gupta, so neither the amount is said to have been deposited with the applicant personally nor he is the person issuing the cheque, which was bounced later on. The applicant in most of the cases slapped against him, is on bail. The applicant is languishing in jail since 18.08.2023.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant **Ajay Upadhyay alias Ajay Prakash Upadhyay** involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date 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 court below 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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