

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14626 of 2023

Applicant :- Jai Prakash Prajapati

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

Counsel for Applicant :- Sunil Kumar Singh, Sudhir 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. 48 of 2021, under Sections 409, 420, 504, 506 I.P.C., Police Station Gomti Nagar, District- Lucknow.

It is argued by the learned counsel for the applicant that the applicant is not named in the FIR. In the additional statement of the first informant, it has come that the present applicant was introduced to the first informant as the senior team leader of the company and he is said to have lured her to deposit the money in the company. The applicant was an employee of the company and was working as a mere promoter of the company. The applicant is not the person who had received any money from any investor, nor there is any allegation of receiving money by him from anyone. There is criminal history of 52 cases to the credit of the applicant out of these 52 cases he is on bail in 49 cases. Director Jainuddin Ansari, CMD Ratan Chandra Dwivedi, Abhinav Kumar Singh and two others have been granted bail by the coordinate benches of this court. The applicant is languishing in jail since 25.7.2021, hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that co-accused Dharmendra in his statement has named the applicant as a promoter of the company who used to promote the investors to deposit the money in the company. The first informant in her additional statement has also named the present applicant that he himself introduced her as a senior team leader of the company and lured her to deposit the money in the company. There is criminal history of 52 cases against the applicant.

From the perusal of the record, it is found that the applicant is said to be an employee of the company who used to get the money invested by the public on the assurance of returning double money in one year. The present applicant is assigned the role of promoter of the company. Admittedly, no amount has been deposited in the name of the applicant. Neither there is any allegation that any payment was made to him by the investors. Out of criminal history of 52 cases, the applicant is on bail in 49 cases. Bail orders of 49 cases have been placed before the court. The applicant is languishing in jail since 25.7.2021.

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 case of bail.

The bail application is allowed.

Let the applicant Jai Prakash Prajapati 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 :- 12.12.2023

Gss