

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14734 of 2023

Applicant :- Rakesh Gupta

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

Counsel for Applicant :- Amit Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amit Srivastava, the learned counsel for the applicant Sri Abhishek Singh, the learned State Counsel and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.792 of 2020, under Sections 409, 420, 504 and 506 IPC, Police Station - Gomti Nagar, District - Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.10.2020 against four named persons, not including the applicant, and 10 to 12 unknown persons, stating that the informant had invested Rs.6,18,000/- in Masayar Group of Companies. The accused persons had given him a cheque for Rs.4,70,306/- but the same was returned by the Bank unpaid.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been implicated in the present case as he was an employee of the company and that he was made Director by misusing his documents. The applicant's involvement in 20 other cases has been disclosed in para-29 of the affidavit, in ten of which he has already been granted bail. It has also been submitted that the co-accused Abhinav Kumar Singh has already been granted bail by this court by means of an order dated 11.09.2023, passed in Criminal Misc. Bail Application No.11026 of 2023.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievance of the informant is regarding non-refund of money invested in a company; that he has stated that a cheque given by the company

has been dishonoured by the bank and in such a situation, the informant's remedy lies under Section 138 of the Negotiable Instruments Act and the FIR prima facie appears to be barred under Section 142 of the Negotiable Instruments Act; that the applicant is not named in the FIR and there is no allegation against him and that a co-accused has already been granted bail by this court and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

8. Let the **applicant- Rakesh Gupta** 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 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.

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(Subhash Vidyarthi, J.)

Order Date :- 16.12.2023

Ram.