

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14599 of 2023

Applicant :- Santosh Gupta @ Santosh Kumar Gupta

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

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.

This application has been moved by the applicant - Santosh Gupta @ Santosh Kumar Gupta to enlarge him on bail in Case Crime No. 829 of 2020 under Sections 409, 419, 420, 467, 468, 471, 504 and 120B IPC, Police Station Gomti Nagar, District Lucknow.

It is argued by the learned counsel for the applicant that he is a clerk in the company. The whole amount deposited by the investors is said to be deposited in the account of Director. No amount is said to have been deposited in his account or paid to him. There is no recovery from him. Regarding same crime, 28 more cases are pending against him. Co-accused Ashish Tiwari, Santosh Gupta, Shiv Kumar Goswami, Vishnu Gupta, Vasudev Goswami, Anjani Kumar Kaushal, Om Prakash Kaushal, Ram Gopal Gupta have been granted bail by the coordinate bench of this court. The bail orders are appended with the paper book. The applicant is languishing in jail since 10.08.2021, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that the present applicant is the nephew of Director, Ajit Kumar, who is said to be the main culprit. The whole collective amount of the investors said to have been embezzled is the crores of rupees.

From perusal of the record, a criminal history of 28 cases apart from present case of the same nature of cases and of the same year 2020 is disclosed against the applicant. The above mentioned co-accused persons having identical role have been granted bail by the coordinate benches of this court. The money is neither said to be received by the applicant nor there is any

recovery from him. The only allegation against him is that he used to lure the persons to deposit the money in the company. The applicant is languishing in jail since 10.08.2021.

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 **Santosh Gupta @ Santosh Kumar Gupta** 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 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

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