

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14528 of 2023

Applicant :- Baijnath Tiwari

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

Counsel for Applicant :- Faizal Hashmi, K.K. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri K.K. Singh, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 61 of 2023, under Sections 406, 420 & 506 I.P.C., registered at Police Station- Khandasa, District - Ayodhya/Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.04.2023 against five persons, including the applicant, alleging that the informant had made some investment in Shankar Gopalan Seva Sansthanam but upon maturity no amount was repaid to him.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and his name has been lodged in six other cases, in four of which the applicant has already been granted bail.

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 related to no refund of money invested in a

company and the applicant has already been granted bail in some other cases of similar nature and he is languishing in jail since 05.11.2023 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- Baijnath Tiwari** 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.

Order Date :- 11.12.2023
Mohit Singh/-