

**Court No. - 29**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14624 of 2023

**Applicant :-** Atul Kumar Verma

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

**Counsel for Applicant :-** Ajeet 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 - Atul Kumar Verma to enlarge him on bail in Case Crime No. 1005 of 2022 under Sections 420, 406, 506, 409 IPC, Police Station Kotwali Nagar, District Barabanki.

It is argued by the learned counsel for the applicant that there is allegation of embezzlement of about Rs. 05 crores of the investors against the stakeholder of Life Long Care Multi State Agro Co-operative Society Limited. The present applicant is neither Director nor any agent or otherwise beneficiary alleged to have embezzled the amount. No amount is said to have been either paid to him or received by him. Two Directors; Pramod Kumar and Gunjan Verma have been granted bail by the coordinate benches of this court. There is criminal history of 54 caes of the similar nature against him. Out of 54 cases, in 29 cases the applicant is on bail. The applicant is languishing in jail since 14.12.2022, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that the present applicant is the son of Director, Om Prakash Verma. He is the person who looks after the managament of the whole money transactions. There is criminal history of 54 cases against the applicant. In the statement of Mukesh Shukla it has come that the applicant is C.M.D. of the said company.

From perusal of the record, it is found that the first informant is said to be the agent in the company, Life Long Care Multi State Agro Co-operative Society Limited. It is the allegation that in the name of this company the stakeholders of this company embezzled about Rs. 05 crores of the investors and now all the stakeholders of the company are on run. Admittedly, as per FIR the present applicant does not hold any post in the company.

Though, he is said to be C.M.D. of the company by one witness Mukesh Shukla but as per information collected by the Investigating Officer, appended at page-54 of the paper book, the present applicant is not disclosed to be any stakeholder in the company. There is no allegation that any amount was received by him or any amount was deposited in his account. He is said to be the son of the Director. Two Directors; Pramod Kumar and Gunjan Verma have been granted bail by the coordinate benches of this court. The applicant is languishing in jail since 20.12.2022.

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 **Atul Kumr Verma** 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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