

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14842 of 2023

Applicant :- Hari Gopal Singh

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

Counsel for Applicant :- Atul Verma,Akhilendra Pratap Singh,Vinod Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Atul Verma, the learned counsel for the applicant, Ms. Parul Kant, the, learned AGA 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. 647 of 2022, under Sections 419, 420. 467, 468, 471, 409, 506 IPC, Police Station Sushant Golf City, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.12.2022 alleging that the applicant had taken a construction contract from M/s Gayatri Projects Limited in December, 2020. The informant's company worked under the contract till March, 2022 and submitted a final bill to the applicant in April, 2022 but the applicant did not pay Rs. 2,36,48,662.70 to the informant and the informant's bill to the tune of aforesaid amount remained pending. The FIR further alleges that some fake documents were prepared by the applicant.
4. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has been falsely implicated in the present case. The applicant's involvement in 3 other cases has been disclosed in paras 35 to 38 of the affidavit filed in support of the application, 2 of which are complaints under Negotiable Instruments Act and in 1 case the parties have arrived at settlement. Prior to lodging of the present FIR the applicant had lodged an FIR No. 235 of 2022 against the informant on 21.11.2022 making similar allegations.
5. From the aforesaid facts, the dispute predominantly appears to be commercial in nature. It appears that no proceedings for recovery of damages or for breach of contract or specific performance thereof had been filed by either of the parties.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case 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 case.

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

9. Let the applicant-***Hari Gopal Singh*** 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 :- 16.12.2023

Pradeep/-