

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2979 of 2023

Applicant :- Ghanshyam Yadav

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Secy.
Deptt. Of Home Lko. And Another

Counsel for Applicant :- Vinay Kumar Verma, Neetesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vinay Kumar Verma, the learned counsel for the applicant as well as Sri Arpit Kumar, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.0252 of 2020, under Sections 420, 409, 506 I.P.C., registered at Police Station Ghazipur, District Lucknow North.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.04.2020 against ten persons, alleging that the informant had invested Rs.2,16,55,000/- in Blue Mart Enterprises under allurement of lucrative return of 5% per month interest but his money was not refunded.

4. The applicant has been implicated in the present case alleging that he was a director of Blue Mart Enterprises whereas his contention that he was not a director or any other position holder in the said company and he is a director of Blue Dhow Trading Private Limited Company. The applicant's involvement in another case has been disclosed in para 22 of the affidavit filed in support of the application.

5. The learned counsel for the applicant has submitted that the two co-accused persons, namely, Sagar Ghosh and Praveen Kumar have been granted anticipatory bail and four other co-accused persons have been granted bail by this Court.

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 keeping in view the fact that grievance of the informant is regarding non refund of money invested in a Company, of which the applicant is neither a director nor other principle position holder of the company; that two co-accused persons have been granted anticipatory bail and four other co-accused persons have been granted bail by this Court and without making any observations which may affect the outcome of the case, I am of the view that the applicant is also entitled to be granted anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant- **Ghanshyam Yadav** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such

facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 20.12.2023
Preeti.