

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14986 of 2023

Applicant :- Atul Kumar Verma

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

Counsel for Applicant :- Ajeet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajeet Kumar, learned counsel for the applicant, Sri Shaunak Singh, the 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.463 of 2023, under Sections 406, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.04.2023 against the applicant as Director of S.T.S. Infra Ltd., in furtherance of an application filed under Section 156(3) Cr.P.C. stating that the informant and some other persons had paid some amount to the aforesaid Company for purchasing plots but neither plots were handed over to them nor was their money refunded.
4. During investigation, informant implicated the applicant also alleging that the applicant is one of the Directors of the Company.
5. Company' master data annexed with the affidavit filed in support of the bail application alleges that the applicant was not a Director of the Company.
6. The applicant's involvement in 54 other cases of similar nature has been disclosed in para 16 of the affidavit filed in support of the application, in 33 of which, the applicant has already been granted bail.
7. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case only being a son of one of the director, namely, Smt. Mithilesh Verma. It is also submitted that

two co-accused persons namely, Sangam Verma and Naved Ahmad have already been granted bail in Criminal Misc. Bail Application Nos. 14848 of 2023 and 11350 of 2023, respectively.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that grievance of the informant is regarding not allotment of plot or non refund of money; that the applicant is not named in the FIR; that though he has been implicated subsequently alleging that he is a Director of the Company, his named does not find place as Director in the Company's master data; that the applicant has been granted bail in 33 cases and yet he is languishing in jail since 10.05.2023 whereas two co-accused persons namely, Sangam Verma and Naved Ahmad have already been granted bail in Criminal Misc. Bail Application Nos. 14848 of 2023 and 11350 of 2023, respectively, 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.

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

11. Let the **applicant-Atul Kumar Verma** be released on bail in Case Crime No. 463 of 2023, under Sections 406, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki 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 :- 19.12.2023

Vipul