

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15040 of 2023

Applicant :- Rahul Jessel Mittra

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

Counsel for Applicant :- Mukul Kumar Sharma, Mohit Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohit Kumar, the learned counsel for the applicant, Sri J.S. Tomar, the learned A.G.A.-I 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. 114 of 2022, under Sections 409, 420, 467, 468, 471 I.P.C., registered at Police Station Gazipur, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.02.2022 against three persons, including the applicant, alleging that the informant was the representative of non-banking finance company and the accused persons are directors of M/s Mardarshak Financial Services Ltd. The informant had given a loan of rupees ten crores to the applicant's company on 14.10.2019, which was enhanced by five crores on 22.01.2020. It is alleged that the applicant has defaulted in repayment of the loan amount. It has further been stated that some information given by the accused persons regarding account holders turned out to be false.

4. 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. The applicant's involvement in two other cases has been disclosed in para 44 of the affidavit. It

has further been stated in the affidavit that the accused persons ran into a trouble due to spread of covid-19 pandemic but somehow they have repaid 5.25 crores till January, 2022. They are willing to refund the balance amount also.

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 dispute predominantly appears to be regarding monitory transactions between two companies and the applicant is languishing in jail since 07.04.2023 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- Rahul Jessel Mittra** 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.

(Subhash Vidyarthi, J.)

Order Date :- 20.12.2023
Ram.