Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15070 of 2023

Applicant :- Ashish Tiwari
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
Counsel for Applicant :- Vivek Kumar Shukla
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Kumar Shukla, the learned counsel for the applicant, Shri Anant Pratap Singh, the learned Additional Government Advocate for the State and perused the material available on record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No. 668 of 2020, under Sections - 406, 419, 420, 506 IPC, Police Station- P.G.I., District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 17.09.2020 against two persons, not including the applicant, alleging that the accused persons induced the informant and various other persons for making investment in Eye Vision India Credit Cooperation Society Limited/Anee Bullion and Industries Private Limited and the amount invested was not refunded.

4. Learned counsel for the applicant submits that the applicant is neither the Director nor Agent or worker of the company and neither he is beneficiary. It is further submitted that the name of the present applicant is wrongly implicated in the present case. It is further submitted that cheating has been caused by the Director of the Company. It is also submitted that in case the applicant is enlarged on bail he shall not tamper with the evidence or misuse the liberty of bail and will also cooperate in the trial proceedings. Applicant's criminal history of 42 cases has been disclosed in para 15 of the affidavit filed in support of the bail application in 40 of which he has been granted bail.

5. On the other hand, learned AGA has opposed the prayer for bail but could not controvert the aforesaid factual matrix.

6. Considering the facts and circumstances of the case and

taking into account the fact that applicant is neither Director nor Agent or worker of the company and neither he is beneficiary and cheating has been caused by the Director of the Company and without expressing any opinion on the merits of the case, it would be appropriate to enlarge the accused-applicant on bail.

7. The bail application is ***allowed***.

8. Let applicant-***Ashish Tiwari*** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the 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 :- 20.12.2023
Pradeep/-

Digitally signed by :-
PRADEEP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench