

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15088 of 2023

Applicant :- Om Shankar Kaushal

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

Counsel for Applicant :- Vivek Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Kumar Shukla, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.797 of 2020, under Sections 409, 420 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 11.10.2020 against 8 persons, including the applicant, alleging that the informant used to work as an agent in Ani Bullian Group of Company and he used to bring investment for the company. Upon maturity, the returns were not paid to the investors.
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 criminal history of 38 cases of similar nature has been disclosed in para 19 of the affidavit, in 36 of which the applicant has been granted bail.
5. The learned counsel for the applicant submits that four co-accused persons have been granted bail and copies of their bail orders have been annexed as Annexure No. 6 (pg. 50 to 58) to the affidavit filed in support of the bail application and, therefore, he is also entitled to be released on the ground of parity.
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 four co-accused

persons have been granted bail and the applicant has been granted bail in 36 other cases of similar nature, I am of the view that the applicant is also entitled to be enlarged on bail on the ground of parity in the aforesaid crime.

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

9. Let the applicant-***Om Shankar Kaushal*** 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 :- 20.12.2023

Pradeep/-