

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15193 of 2023

Applicant :- Om Prakash Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home), Lucknow

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, 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. 345 of 2022, under Sections 34, 406, 419, 420 I.P.C., registered at Police Station Masauli, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.07.2022 against two persons, including the applicant, stating that the informant had made some investments in a company but returns were not paid to him. Through the FIR, the informant has prayed for payment of Rs.3.62 Lakh to him. The applicant has been implicated in the present case only being the husband of the directors of the company.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case. Applicant's involvement in 51 cases of similar nature has been disclosed in para 2 of the supplementary affidavit, in five of which, the applicant has been granted bail.

5. A supplementary affidavit has been filed on behalf of the applicant stating that the statement of P.W.-1 is being recorded and till date even statement of single witness could not be concluded.

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 the informant has prayed for refund of his money through the FIR, which is a relief of civil nature; that the applicant has already been granted bail in 33 other cases of similar nature and yet he is languishing in jail since 26.06.2023 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-Om Prakash Verma be released on bail in aforementioned 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 :- 21.12.2023
prateek