Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15126 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 Ajeet Kumar, learned counsel for the applicant, the learned A.G.A. for the State and perused the records.

2. The instant bail application has been filed on behalf of the applicant with a prayer to release the applicant on bail during the trial in Case Crime No.438 of 2022, under Sections 419,420,504, 506 I.P.C., P.S.-Mahmoodabad, District -Sitapur.

3. As per the version of the first information report, the alleged amount is said to be duped by the present applicant including the other co-accused persons, who are running the company.

4. Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He next added that the applicant is son of the President of the Company and mother of the applicant one of Directors in company. He added that there was no criminal intent of the present applicant to dupe the amount of the investors and there is no other cogent piece of evidence so as to connect him in the instant matter. He further added that applicant has 61 cases criminal history, which he has explained in paragraph no.20 of the bail application and apart from that, there is no previous criminal history of the applicant. He added that the the applicant is a law abiding citizen and he is languishing in jail since 28.10.2022. He also added that in 30 identical matters of the same company, the applicant has been enlarged on bail. In case he is granted bail, he will not misuse the liberty and would cooperate in the trial proceedings.

5. Per contra, learned AGA appearing for the State has vehemently opposed the contentions aforesaid and submits that that the applicant is named in the first information report and he alongwith Directors and Promoters of the company has duped the amount of investors including the agents and thus, he has committed offence. He further added that there is a criminal history of 61 cases of the applicant and as such, he is not entitled for any relief.

6. Having heard the learned counsel for the parties and after perusal of record, it is evident that the present applicant is one of Director of the

company and prima-facie it seems that the prosecution has failed to substantiate the evidences against the present applicant and further the applicant has criminal history of 61 cases, which has been explained by him and he is languishing in jail since 28.10.2022; thus without commenting on the merits of the case, I find it a fit case for bail.

7. Let the applicant-Atul Kumar Verma involved in the aforementioned crime be released on bail, on him furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the 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.

(Subhash Vidyarthi, J.)

Order Date :- 21.12.2023
prateek

Digitally signed by :-
PRATEEK ARORA
High Court of Judicature at Allahabad,
Lucknow Bench