

Court No. - 31

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5038 of 2024

Applicant :- Dharmendra Prajapati

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

Counsel for Applicant :- Sudhir Kumar, Sunil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.

The accused-applicant is involved in Case Crime No. 48 of 2021, under Sections 409, 420, 504, 506 I.P.C., Police Station Gomti Nagar, District Lucknow.

It is argued by the learned counsel for the applicant that applicant is neither named in the first information report nor in the statement under Section 161 Cr. P.C. of the first informant. The name of the applicant was disclosed in the additional statement of the first informant wherein he has stated that when he along with other persons paid the money, then Jainuddin Ansari, the present applicant and other accused persons were also there. It is further submitted that no money is said to have deposited in the account of the applicant. Only role assigned to him is of convincing the people to deposit the money in the company. There is criminal history of 52 cases against the applicant wherein on 10 cases he is on bail. All the cases are said to be of the same nature. Co-accused Jai Prakash Prajapati, Jainuddin Ansari- the Director and Ratan Chandra Dwivedi- the Chief Managing Director of the company have been granted bail by the Co-ordinate Benches of this Court vide order dated 12.12.2023, 13.10.2023 and 12.09.2023 passed in

Criminal Misc. Bail Application No.14626 of 2023, 12217 of 2023 and 6161 of 2023. The applicant is languishing in jail since 12.04.2021.

Learned A.G.A. opposed the prayer for bail and submitted that the present applicant is the leader of the team who used to lure the public to deposit money in the company, which is said to have misappropriated the deposited money of the first informant as well as of the public. It is further submitted that there is criminal history of 52 cases to the credit of the applicant.

From the perusal of the record, it is found that present applicant was the promoter of the company who used to promote the public to deposit the money in the company. Admittedly, no money is said to have been paid to the present applicant or deposited in the account of the present applicant. The applicant was mere an employee of the company who used to lure the public to deposit the money in the company on the assurance of return the double money in a year. Admittedly all the 52 cases pending against the applicant are of same nature with the identical offence with regard to the same company. Ten bail orders have been placed before this Court. Co-accused Jainuddin Ansari- the Director and Ratan Chandra Dwivedi- the Chief Managing Director of the company have been granted bail by the Co-ordinate Benches of this Court. The applicant is languishing in jail since 12.04.2021.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties, without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant ***Dharmendra Prajapati*** who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 10.5.2024
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