

(2024) 03 AHC CK 0043

Allahabad High Court, Lucknow Bench

Case No: Criminal Misc. Bail Application No. - 3188 Of 2024

Dinesh Kumay Yadav @ Dinesh
Yadav

APPELLANT

Vs

State Of U.P. Thru. Prin. Secy.
Home Lko.

RESPONDENT

Date of Decision: March 28, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 408, 419, 420

Hon'ble Judges: Subhash Vidyarthi, J

Bench: Single Bench

Advocate: Abhay Raj Singh

Final Decision: Allowed

Judgement

Subhash Vidyarthi, J

1. Heard Sri Abhay Raj Singh, the learned counsel for the applicant, Sri Anant Pratap Singh, 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. 317 of 2022, under Sections 419, 420, 408 I.P.C., registered at Police Station Mahmoodabad, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.07.2022 against eight persons, including the applicant, alleging that the informant and his family members had made investments in STS/Sankalp Group under allurement of lucrative return but upon maturity the money was not refunded 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 on the basis of wrong averments made in the FIR. The informant had not made any investment in STS/Sankalp Group rather he had made investment in LLC Multistate Agro Co-operative Society Ltd., under various schemes under which they had to be given plots of land upon completion of investments for various periods. The investors did not deposit the complete amount by paying all the installments rather they filed the FIR.

5. The applicant's criminal history of 34 cases has been disclosed in para 16 of the affidavit filed in support of the bail application. and he has been granted bail in 8 cases.

6. The learned counsel for the applicant has submitted that co-accused Om Prakash Verma, Abhishek Upadhaya, Gunjan Verma, Atul Verma and Sharad Kumar Verma have already been granted bail in the present case by means of orders dated 31.09.2023, 16.08.2023, 18.10.2023, 09.08.2023 and 07.11.2023 passed by this Court in Criminal Misc. Bail Applications No.10654 of 2023, 5637 of 2023, 12390 of 2023, 10010 of 2023 and 13127 of 2023 respectively.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that five co-accused persons have already been granted bail, I am of the view that the applicant is also entitled to be release on bail in the aforesaid crime.

9. Accordingly, this bail application stands allowed.

10. Let the applicant-Dinesh Kumay Yadav @ Dinesh Yadav 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 unless his appearance is exempted by the learned trial court.