

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8500 of 2023

Applicant :- Vishnu Gupta

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

Counsel for Applicant :- Mohit Sharma, Mukul Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohit Sharma, learned counsel for the applicant, Sri Rao Narendra Singh, learned Addl. Government Advocate-I, and perused the record.

2. By means of the instant application the applicant Vishnu Gupta S/o Sri Bhagauti Prasad Gupta seeks bail in Case Crime No. 732 of 2020, under sections 409, 420, I.P.C., P.S. Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of a first information report (F.I.R.) lodged on 18.09.2020 against 5 named persons, including the applicant, alleging that the informant, her family members and acquaintances had invested about Rs. 9,50,000.00 in Eye Vision India Credit Cooperative Society Limited under an allurement of lucrative return. After maturity of the aforesaid investment, when the informant tried to take her money back, the Company refused to do so.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case. It has also been stated in the affidavit that the applicant does not hold any position in the aforesaid Company and he has been implicated in the present case merely because his brother Ajit Gupta is Director in the said Company.

5. The applicant's criminal history of 50 cases of similar nature, all arising out of transactions of the aforesaid Company has been disclosed in para-29 of the affidavit and supplementary affidavit has been filed on behalf of the applicant stating that the applicant has been granted bail in 12 of those cases. It has also been stated that the co-accused Ram Gopal Gupta, who is also a brother of the applicant, and co-accused Ajay Prakash Upadhyaya and Shiv Kumar Goswami have been granted bail by means of orders dated 21.02.2023 and 21.10.2022 passed by this Court in Criminal Misc. Bail Application Nos. 4145 of 2022 and 12288 of 2022 respectively.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not a Director of the company in which the informant had made Investments; that the applicant is brother of a Director of the Company and another brother Ram Gopal Gupta and co-accused Dharnidhar Upadhyaya and Shiv Kumar Goswami have already been granted bail, I am of the view that the applicant is also entitled to be released on bail.

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

8. Let the applicant **Vishnu Gupta S/o Sri Bhagauti Prasad Gupta** be released on bail in the aforesaid Case Crime No. 732 of 2020, under sections 409, 420, I.P.C., P.S. Gomti Nagar, District Lucknow, on his 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 7.7.2023
A.Nigam