

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 25631 of 2022

**Applicant :-** Narendra Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vijay Kumar Dwivedi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1.Heard Sri Vijay Kumar Dwivedi, the learned counsel for the applicant, Sri Arun Kumar Pandey, the learned A.G.A. for the State and perused the record.

2.The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 873 of 2021, under Sections 420, 467, 406, 506 I.P.C., and Section 66-D of the Information Technology Act, P.S. Kotwali, District Lalitpur.

3.The aforesaid case has been registered on the basis of an F.I.R. lodged by the informants against six named accused persons including the applicant, alleging that about one and a half year prior to lodging of the F.I.R., the applicant had told the informants about a company namely Gigantic Wave and he had told that in case the informants make investment in the company, they will get very lucrative returns. It is alleged that the informants made investment of various sums in the aforesaid company but the company made only a partial refund of money and did not repay the entire sum.

4.In the affidavit filed in support of the bail application it has been stated that the applicant was unemployed and he was targeted by the persons of the aforesaid company and they had persuaded the applicant to invest Rs. 3000/- in the company, after which he will be made an agent of the company. It has further been stated that the applicant fell into a trap and invested his amount in the company and thereafter he was asked to add two more persons and then two persons were given a target of add another two persons. It has also been averred in the affidavit filed in support of the bail application that the applicant is an innocent person, he has been falsely implicated in the case, he is having no previous criminal history and he is in jail since 14-04-2022.

5.The learned counsel for the applicant has further submitted that as per the F.I.R. allegations, the informants had made certain investment in Gigantic Wave Company. Neither the company has been made accused in the present case nor it has been stated as to how the applicant is liable for refund of the amount given by the Company.

6.It is further stated by the learned counsel for the applicant that neither the applicant was a Director of the Company nor did he hold any principal position in the Company and that there is no allegation to the aforesaid effect in the F.I.R. or in the statement recorded during investigation.

7.It has also been stated in the affidavit that there is no possibility of the applicant tampering with any evidence and in such circumstances, the applicant is entitled for bail. It is also stated in the affidavit that the applicant will not misuse the liberty of bail and he will fully cooperate in the investigation.

8.The learned A.G.A., on the basis of instructions has opposed the prayer for grant of bail to the applicant. However, he could not dispute the aforesaid aspects of the case.

9.Keeping in view the aforesaid fact, this Court is satisfied that the applicant has made out a case for being enlarged on bail pending conclusion of the trial. The bail application is accordingly allowed.

10.Let the applicant - **Narendra Singh** be released on bail in Case Crime No. 873 of 2021, under Sections 420, 467, 406, 506 I.P.C., and Section 66-D of the Information Technology Act, P.S. Kotwali, District Lalitpur on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer or tamper with the evidence.

11.In case of breach of any of the above condition, the prosecution shall be at liberty to move an application bail before this Court seeking cancellation of bail.

**Order Date :-** 2.8.2022/pks