

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 537 of 2023

Applicant :- Anurag Chaudhary

Opposite Party :- State of U.P.

Counsel for Applicant :- Ayush Mishra, Jitendra Kumar Singh, Prabha Shanker Mishra, Rohit Shukla, Srijan Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicant in Case Crime No. 231 of 2022, under Section 7 of Prevention of Corruption Act, Police Station-Aurai, District-Bhadohi, with the prayer to enlarge the applicant on bail.
3. Learned counsel for the applicant argued that applicant is innocent and he has been falsely implicated in this case. The applicant was working as Lekhpal. As per prosecution version, the applicant has demanded an amount of Rs.20,000/- from the *de-facto* complainant for issuance of khatauni and thereafter on the complaint of *de-facto* complaint made to Anti-Corruption Establishment, the appellant was apprehended on 29.09.2022 while accepting an amount of Rs.20,000/- from the *de-facto* complainant. Learned counsel submits that there is no independent witness of alleged trap incident and there was no application of the *de-facto* complainant regarding issuance of khatauni and thus

there was no occasion to make any demand. There is no credible evidence to show that the applicant has made alleged demand of Rs.20,000/-. Except the alleged recovery of Rs.20,000/-, no incriminating article was shown recovered from the applicant.

4. It is further submitted that the investigation is complete and charge-sheet has already been filed and that the appellant has already undergone detention of about 13 months and that the trial of the case would take sufficiently long time. Lastly, it is submitted that the applicant has no criminal antecedents and he is languishing in jail since 29.09.2022 and in case he is granted bail, he will not misuse the liberty of bail and would co-operate in trial.

5. Learned A.G.A. has opposed the bail application and submitted that the applicant was working as Lekhpal and he was apprehended red-handed while accepting illegal gratification of Rs.20,000/-.

6. Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby allowed.

7. Let the applicant- **Anurag Chaudhary**, involved in aforesaid case crime, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following

conditions:

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

(ii) The applicant shall not pressurize/intimidate the prosecution witness.

(iii) The applicant shall appear before the Trial Court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

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

8. In case of breach of any of the above condition, the Court concerned shall be at liberty to cancel bail of applicant in accordance with law.

Order Date :- 30.10.2023

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