

**Court No. - 78**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 10635 of 2023

**Applicant :-** Vijay Shankar Verma

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

**Counsel for Applicant :-** Surendra Singh, Adesh Kumar, Ramesh Chandra Yadav, Shyam Jeevan Tripathi

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

**Hon'ble Raj Beer Singh, J.**

1. Heard learned counsel for the applicant-accused, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicant-accused in case crime No.127 of 2022, under Section 7 Prevention of Corruption Act, police station Sadar Bazar, District Mathura with the prayer to enlarge the applicant on bail.
3. It has been argued by learned counsel for the applicant-accused that the applicant-accused is innocent and he has been falsely implicated in this case. At the relevant time, the applicant was working as Regional Food Officer. The allegation against applicant is that he has made demand of illegal gratification from de-facto complainant for restoration of his shop and the alleged demand was recorded in a audio and stored in pen-drive and a complaint was made to the Food Commissioner and thereafter, in enquiry, the allegations levelled by complainant were found correct. Learned counsel submitted that the alleged case has been registered merely on the basis of some recorded audio and there is no clear evidence that applicant has made any demand of illegal gratification. Earlier, the de-facto complainant has filed an application under Section 156(3) Cr.P.C. before the C.J.M. Mathura, which was

rejected by that Court vide order dated 12.08.2021. It was submitted that after rejection of the said application, the de-facto complainant has got lodged the first information report of this case in collusion with some officers of his department. It is not a case of prosecution that the de-facto complainant has paid any amount or kickback to the applicant. There is no credible evidence that appellant has made any demand of illegal gratification from the de-facto complainant and thus, no case is made out against applicant. It was also pointed out that no application or any other grievance of the de-facto complainant was pending before the applicant for disposal and thus, there was no occasion on part of the applicant to make any demand of illegal gratification. In this connection, learned counsel has referred case of Neeraj Dutta vs. State (Govt. of N.C.T. of Delhi) AIR 2023 Supreme Court 330. It is further submitted that investigation of the case is complete and charge-sheet has already been filed and that the appellant is languishing in jail since 27.01.2023, having no criminal history, and thus, he has already undergone the detention of ten months. It is further submitted that in case the applicant-accused is released on bail, he will not misuse the liberty of bail and will co-operate in trial.

4. Learned A.G.A. has opposed the bail application and submitted that in an enquiry, it was found that applicant has made demand of illegal gratification from the de-facto complainant and the same was recorded in audio and thereafter the first information report of this case was lodged.

5. 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**.

6. Let the applicant-accused **Vijay Shankar Verma** involved in aforesaid 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-accused shall not tamper with the evidence during the trial.

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

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

(iv) The applicant-accused 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-accused 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.

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

**Order Date :- 28.11.2023**

Neeraj