

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12037 of 2023

Applicant :- Rajesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar Srivastava

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.18 of 2023, under Section 7 of Prevention of Corruption Act, police station Baheri, District Bareilly 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. The applicant was working as Junior Engineer in Electricity Department. As per prosecution version, the applicant has demanded an amount of Rs.5,000/- from de-facto complainant for replacing of transformer and thereafter, on the complaint of de-facto complainant to the Anti Corruption Establishment, on 11.01.2023 applicant was trapped by a trap team while has accepted an amount of Rs.5,000/- from de-facto complainant. Learned counsel submitted that there is no independent witness of alleged incident. Referring to facts of the matter, it was submitted that no complaint was pending before the applicant regarding replacing of transformer and thus, applicant has no occasion to make any demand of any illegal gratification. In the complaint of de-facto complainant, it was not clarified that on which date and at what time the

alleged demand was made. There is no credible evidence regarding demand of money on the part of applicant. Learned counsel submitted that in fact the de-facto complainant is a mischievous and influential person and he was pressurizing the applicant to use electricity by illegal means and when applicant did not agree, he was falsely implicated in this case. There is no independent witness of alleged recovery. No videography or photography of alleged trap incident has been done. The applicant has rendered 17 years unblemished service. It is further submitted that the investigation of the case is already complete and charge-sheet has been filed in Court. Lastly, it has been submitted that the applicant-accused is languishing in jail since 11.01.2023, having no criminal history, and thus, he has already undergone the detention of about ten months. It was 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 applicant was working as Junior Engineer in Electricity Department and he was apprehended red-handed while he has accepted an amount of Rs.5,000/- from de-facto complainant.

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 **Rajesh** 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 :- 31.10.2023

Neeraj