

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 6892 of 2023

Applicant :- Suman Gautam

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ramesh Chandra Yadav, Kailash Singh
Kushwaha, Sunil Choudhary

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Counter affidavit filed by learned A.G.A. is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The present application has been moved seeking anticipatory bail in Case Crime No.93 of 2016, under Sections 409, 420, 467, 468, 471, 120B I.P.C. and Section 13(1)(c) of Prevention of Corruption Act, Police Station Kithore, District Meerut with the prayer that in the event of arrest, applicant may be released on bail.
4. It has been argued by the learned counsel for the applicant that applicant is innocent and she has an apprehension that she may be arrested in the above-mentioned case, whereas, there is no credible evidence against her. The applicant was working as Social Welfare Officer and as per prosecution version, while being posted as Social Welfare Officer, district Meerut, she has transferred the public funds of Rs.6,84,000/- to Maulana Azad Inter College, Laliyana, Meerut for scholarship of scheduled castes and scheduled tribes students but the said funds were misused in conspiracy with manager of said college and others and the same were not paid to the eligible students. Learned counsel submitted that as a Social Welfare Officer, the applicant has transferred the

said funds in the account of the said college and that the duty of disbursement of amount to the eligible students was of college authorities and as per version of college authorities, the said scholarship amount were paid to the eligible students in cash. It was pointed out that the matter pertains to the year 2011 and that at that time there was no such mandatory requirement that the said scholarship amount has to be transferred through the bank account of the students. It was pointed out that the Government has issued a circular in the year 2014 by which it was made mandatory that the scholarship amount has to be transferred through the bank account of the students. It is further submitted that in similar case, the applicant has been granted anticipatory bail in Case Crime No.93 of 2016, under Sections 409, 420, 467, 468, 471, 120-B I.P.C., P.S. Kithor, District-Meerut and she was also granted bail in case crime No. 815 of 2015, under Sections 406, 409, 420 IPC, police station Civil Lines, District Meerut. It is further submitted that the applicant is a lady and she is still working on the said post and she is co-operating during investigation. The criminal history shown against applicant has duly been explained. It has been stated that in case, the applicant is granted anticipatory bail, she shall not misuse the liberty of bail and will co-operate during investigation and would obey all conditions of bail.

5. Learned A.G.A. has strongly opposed the prayer for anticipatory bail and submitted that applicant, while working as Social Welfare Officer, has transferred an amount of Rs.6,84000/- to the above referred college and that the said public funds were misused and were not paid to the eligible students. Learned A.G.A further submits that by order dated 01.04.2008 issued by Government of Ministry of Minority Affairs, it was made mandatory that the scholarship amount shall be credited to the students' bank

accounts. It is further submitted that the applicant is not co-operating during investigation and she is continuously absent from her duty and evading investigation and that there is criminal history of 98 cases against applicant. It was pointed out that total amount of about Rs.4 crores was transferred by the applicant to various colleges and schools for scholarship of scheduled tribes and scheduled castes students and the said public funds were misused.

6. Considering the submissions of learned counsel for the parties, facts of the matter, the amount involved in the incident, criminal history of applicant and the fact that applicant is not co-operating during investigation, the applicant is not entitled for anticipatory bail. Hence the present application for anticipatory bail is hereby **rejected.**

Order Date :- 17.11.2023

Neeraj