

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 9336 of 2023

Applicant :- Vineet Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Ankit Agarwal

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. This anticipatory bail application has been moved seeking anticipatory bail in Case Crime No.02 of 2023, under Sections 120 IPC and Section 7 Prevention of Corruption Act, P.S. Satarkata Adhistan, District Prayagraj 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 he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. The applicant-accused is a P.C.S. officer and the allegations levelled against the applicant, are wholly false. It was submitted that after complaint of the de-facto complainant to the Anti Corruption establishment, it was found by the Anti corruption officials that co-accused Amit Kumar was habitual of taking kickbacks and there was no such observation that applicant-accused was indulging in any corrupt means. It was co-accused Amit Kumar, who was apprehended, while accepting the amount of Rs.15,000/- from de-facto complainant and recovery was also

made from him. Learned counsel submitted that the involvement of applicant has been shown merely on the basis of statement of co-accused Amit Kumar, which is not admissible in evidence. Nothing has been recovered from applicant-accused. It was also submitted that the allegation that applicant did not co-operate during investigation, is wholly false. Referring to the facts of the matter, it was submitted that there is no credible evidence against applicant. It was submitted that the applicant has no criminal antecedents and that in case, the applicant is granted anticipatory bail he would co-operate during investigation and trial and would obey the conditions of bail.

5. Learned A.G.A. has opposed the application for anticipatory bail and argued that the applicant, who was working as 'Kshetriya Khadya Adhikari' along with his clerk Amit Kumar has visited the fair price shop of de-facto complainant and by saying that there were various complaints against him, they have brought his stock register and later on applicant demanded an amount of Rs.15,000/- from de-facto complainant to return stock register. At instance of applicant, the de-facto complainant has given Rs.15,000/- to co-accused Amit Kumar and he was apprehended at the same time. It was submitted that the said accused Amit Kumar has clearly stated that he has received the said amount of Rs.15,000/- at the behest of applicant-accused. Further, during investigation, the applicant is not co-operating with investigating agency and that he was issued a notice to produce the stock register but he did not produce the same.

6. Perusal of record shows that according to prosecution version, the de-facto complainant is proprietor of fair price shop and that on 16.05.2023, the applicant along with his clerk co-accused Amit Kumar visited the shop of de-facto complainant and by saying that

there were complaints against him, he brought stock register of the de-facto complainant. Later on, when the de-facto complainant, contacted the applicant, he demanded an amount of Rs.15,000/- for returning the stock register and asked him to pay the said amount to co-accused Amit Kumar. The de-facto complainant made a complaint to the Anti corruption establishment and thereafter, on 18.05.2023 a trap team was constituted, which comprises two witnesses, namely, Arvind Kumar Srivastava and Furqan, who were provided by the district magistrate for said purpose. The said trap team apprehended the co-accused Amit Kumar while he has accepted bribe amount of Rs.15,000/- from the de-facto complainant. Co-accused Amit Kumar had disclosed that he has received the said amount to return the stock register at the instance of his senior Vineet Pandey 'Kshetriya Khadya Adhikari' (applicant). It was submitted on behalf of prosecution that the applicant did not co-operate during investigation. He was issued a notice to produce the stock register but he did not respond.

7. Considering the submissions of learned counsel for the parties, nature of accusations and the conduct of applicant of non co-operation during investigation and all attending facts of the matter, the applicant is not entitled for anticipatory bail. Hence the present application for anticipatory bail is hereby **rejected**.

Order Date :- 6.11.2023/Neeraj