

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38494 of 2023

Applicant :- Nanhkoo Prasad Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Vidya Sagar

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard Sri N.I. Jafri, learned Senior Advocate, assisted by Sri Vidya Sagar, 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 Special Trial No. 20 of 2004, arising out of Case Crime No. 473 of 1999, under Sections-467, 468, 409, 420, 511 IPC and Sections-13/15 Prevention of Corruption Act, P. S.-Kotwali Katra, District Mirzapur, with the prayer to enlarge the applicant on bail.

3. It has been argued by learned Senior counsel for the applicant that applicant is innocent and he has been falsely implicated in the present case. The alleged incident relates to the year, 1999 and at that time, applicant was posted as District Backward Welfare Officer and that the allegations against the applicant is that he has tried to usurp the amount of two pay orders of public funds. It was shown that the applicant could not succeed and no amount was transferred into the account of applicant and no financial loss has been caused to the State. It is further submitted that the charge-sheet was filed in the year 2004 but earlier the proceedings of the case was stayed by this Court vide order dated 08.12.2004 passed in application u/s 482 Cr.P.C. No. 13870 of 2004. Referring to the

facts of the matter, it was submitted that there is no credible evidence against the applicant and that even according to the prosecution version, no loss has been caused to the State. Lastly, it is submitted that the applicant is languishing in jail since 06.07.2023, and that in case the applicant is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Learned A.G.A. has opposed the prayer for bail and submitted that applicant has made an attempt to usurp the amount of two pay orders of public funds.

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 **Nanhkoo Prasad Gupta** 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 below 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.

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

Order Date :- 13.10.2023

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