

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 9985 of 2023

Applicant :- Raju Kumar Chaurasia

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

Counsel for Applicant :- Suraj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant **Raju Kumar Chaurasia** in Case Crime No.467 of 2017, registered under Sections 409, 477A and 120B IPC at Police Station- Gahmar (EOW), District Ghazipur with a prayer to enlarge him on anticipatory bail.
3. As per prosecution story, U.P.R.N.N.L. was allocated the beautification work in District Ghazipur Block Bhadaura worth Rs.155.09 lakhs. After an inquiry, the FIR was instituted against the erring officials of the U.P.R.N.N.L. and the said contractors.
4. Learned counsel for the applicant has stated that the applicant is named in the FIR. The role assigned to the applicant is of supplying the building material to the department worth Rupees Eight Lakhs as contractor. Learned counsel has further stated that the applicant has received a cheque for an amount of Rupees Eight Lakhs in lieu of the material supplied. The applicant has nothing to do with the said offence. He had acted as a bona fide person and there is nothing in the report to indicate that the applicant has supplied low quality material. The allegations are that the requisite work was itself not conducted as stated in the contract. There are no criminal antecedents of the applicant. The case of the applicant is at a different footing to the erring officials of U.P.R.N.N.L. and the contractors who had undertaken the work. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against her. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. Learned counsel for the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of

anticipatory bail. It is also submitted that co-accused Lalsa Singh, Shailendra Shekhar Singh, Abhishek Singh and Akhilesh Kumar Singh have granted anticipatory bail by coordinate Bench of this Court on 18.11.2022, 7.12.2022 and 10.8.2023 vide Criminal Misc. Anticipatory Bail Application Nos. 10833 of 2022, 12099 of 2022 and 8545 of 2023, respectively.

5. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

6. On due consideration to the arguments advanced by learned counsel for the applicant as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicant, the applicant is liable to be enlarged on anticipatory bail till end of the trial in view of the judgment of Supreme Court in the case of "**Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1**". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

7. The anticipatory bail application of the applicant is **allowed** accordingly.

8. In the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall make himself available before the Court concerned on the date fixed in the matter and will cooperate in the trial.

(ii) 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 him/her from disclosing such facts to the Court or to any police office.

(iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. Concerned.

9. In case of default of any of the conditions, the same may be a ground for cancellation of protection granted to the applicant.

Order Date :- 18.10.2023/safi