

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38772 of 2023

Applicant :- Baikunth Nath Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Shikher Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the entire record.
2. The present bail application has been filed by the applicant in case crime No. 01/2023, under Sections-7, 13 (1) read with Section-13 (2) of Prevention of Corruption Act, police station-Anti Corruption, District-Gonda, with the prayer to enlarge the applicant on bail.
3. Learned counsel for the applicant has submitted that the applicant is innocent and he has falsely been implicated in this case. The applicant is working as Lekhpal. According to prosecution version, de-facto complainant has sold the land to a person and the purchaser was raising construction on the said land but applicant-accused was misleading him and told that if an amount of Rs. 10,000/- was not paid, he would get the construction demolished. It was further alleged that thereafter the applicant was apprehended while he has accepted an amount of Rs. 10,000/- from the de-facto complainant. Learned counsel submitted that even as per prosecution version, de-facto complainant has already sold the said land and thus, he has no concern with the land in question. The purchaser of the land, who has made constructions, has not made any complaint. Further, the applicant has absolutely

no such authority that he would have demolished the construction. Learned counsel submitted that the de-facto complainant is the resident of his village and that the applicant has falsely been implicated in a calculated manner and the allegations of demand of illegal gratification, are wholly false. There is no independent witness of incident of trap. Investigation of the case is already complete. Lastly, it was submitted that the applicant is in jail since 12.8.2023, having no criminal history, and that in case, applicant is enlarged on bail, the applicant will not misuse the liberty of bail.

4. Learned A.G.A. has opposed the application and submitted that the applicant is working as Lekhpal and he has demanded an amount of Rs. 10,000/- from the complainant and he was apprehended while has accepted Rs. 10,000/-.

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, **Baikunth Nath Tiwari** involved in the aforesaid crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness of the case.

In case of breach of any of the above conditions, the court

concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

Order Date :- 9.11.2023

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