

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 10969 of 2023

Applicant :- Laxman Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Satya Prakash Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application has been moved seeking anticipatory bail in Case Crime no. 123 of 2010, under Section 409, 419, 420, 467, 468, 201, 204, 471, 120-B I.P.C. and Section 13(1)(2) of P.C. Act, Police Station Ghorawal, District Sonbhadra with the prayer that in the event of arrest, applicant may be released on bail.
3. 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. At the relevant time, applicant was posted as Lekhpal of Circle Khutahan/Shivdwar and he was also performing the duty of Registrar Kanoongo and that the allegation that applicant has withdrawn an amount of Rs. 40,50,000/- from the public account of Tehsildar, by making forged signatures of Tehsildar, is wholly false. The real fact is that the then SDM and the Tehsildar of Tehsil Ghorawal, Sonbhadra in collusion with the then Registrar Kanoongo Hariram, embezzled huge public funds, provided by the government for drought affected farmers and that when this fact came into the light, applicant was made scapegoat in order to escape from their liability. The applicant has not

committed any forgery and he did not embezzle any public fund. After first information report of this case, applicant was dismissed from the service and he has challenged that order before this Court and he was reinstated into the service. The amount in question was withdrawn through 16 cheques on different dates and that the applicant was not authorized to withdraw the amount in question from the bank. The FSL report also does not support the prosecution version that cheques in question were signed by the applicant. Criminal history shown against the applicant has duly been explained in the affidavit filed in support of the application. The applicant undertakes to co-operate during investigation and trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. Learned A.G.A. has opposed the application for anticipatory bail and argued that government has provided a grant of Rs. 1,96,27,000/- for the drought affected farmers, which was deposited into the 'Agricultural Investment Account' of Tehsildar Ghorawal but one of the cheque was not deposited by the applicant in the said account of Tehsildar, Ghorawal, rather applicant has deposited the same into the 'Natural Disaster Account' and later on he has withdrawn an amount of Rs. 40,70,852/- from the said accounts by making forged signatures of the informant/Tehsildar. It was submitted that there is criminal history of five cases against the applicant and in view of the nature of accusations, applicant is not entitled for anticipatory bail.

5. It may be stated that in case of **Siddharam Satlingappa**

Mhetre v. State of Maharashtra, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

6. I have considered rival submissions and perused the record.

7. Perusal of record shows that the allegation against the applicant is that he has illegally withdrawn total amount of Rs. 40,70,852/- from the public account, by way of cheating and forgery and by making forged signatures of Tehsildar and embezzled the said funds. There is criminal history of five cases against the applicant.

8. Considering submissions of learned counsel for the parties, nature of accusations, amount involved in the matter, criminal history of applicant and all attending facts and circumstances of the case, applicant is not entitled for anticipatory bail. Accordingly the instant anticipatory bail application is hereby **rejected**.

Order Date :- 6.11.2023

Anand