

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45928 of 2023

Applicant :- Munavwar Husain @ Munavwar @ Manavwar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Saroj, Arvind Kumar Srivastava

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.0167 of 2023, under Sections - 7, 13(1)B, 13(2) of the Prevention of Corruption Act, 1988, Police Station - Dehaligate, District - Meerut, with the prayer to enlarge the applicant on bail.
3. Learned counsel for the applicant argued that the applicant is innocent and he has been falsely implicated in this case. The applicant is working as peon in the office of Municipal Corporation, Meerut. As per, prosecution version, the applicant and tax inspector, Jitendra Kumar were demanding an amount of Rs.5,000/- from the defacto complainant on pretext that if the said amount was not paid, they would charge commercial tax against the residential property of defacto complainant and thereafter on the complaint of defacto complainant, the applicant was apprehended while he has accepted an amount of Rs.5,000/- from the defacto complainant. Referring to the first information report, it was submitted that the allegation of demand of money from defacto complainant is against co-accused Jitendra Kumar, tax inspector and that even as per prosecution version, the accused-applicant has accepted the said amount of Rs.5,000/- on behalf of co-accused Jitendra Kumar, as he was not present in the office. The applicant, being peon, has no authority to change any house

tax and in fact he has been made scapegoat. It is further submitted that amount involved in the incident is Rs.5,000/- and main allegations are against co-accused Jitendra Kumar. Lastly, it was submitted that the applicant is languishing in jail since 16.08.2023, 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 prayer for bail and submitted that it was the applicant, who has accepted the alleged bribe amount of Rs.5,000/- from the defacto complainant, and thus he along with co-accused, Jitendra Kumar was involved in the incident. It was also submitted that in search of his office, the amount of Rs.1,78,661/- was also recovered.

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 - **Munavwar Husain @ Munavwar @ Manavwar** 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.

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

Order Date :- 28.11.2023

S Rawat