

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48152 of 2023

Applicant :- Anil Kumar Nigam

Opposite Party :- State of U.P.

Counsel for Applicant :- Ganesh Shanker Srivastava, Deepak Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. In terms of the FIR, it was revealed that on the basis of some orders of recovery passed against the Gram Pradhan, namely, Smt. Hasiroon, directions were also issued for lodging of the FIR. In pursuance thereof, the FIR has been lodged.

3. The Counsel for the applicant argues that an order of recovery was also passed against the applicant, which were challenged in a claim petition, which was allowed by means of a remand order dated 13.10.2022 (Annexure-8). He further argues that after remand, no fresh orders have been passed.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that the dispute with regard to the quantification of amount allegedly payable by the applicant is still pending, after remand, prima facie, a case for grant of bail is made out, the criminal antecedents of the applicant has been duly explained in para 29 of the bail application, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.

6. Let the applicant ***Anil Kumar Nigam*** be released on bail in FIR/ Case Crime No.11 of 2021, under Section 409 IPC, Police Station Khesraha, District Siddharth Nagar on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 8.11.2023

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