

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12131 of 2023

Applicant :- Vipin Kumar Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Radhey Shyam Shukla, Vipul Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Radhey Shyam Shukla, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.213 of 2023, under Sections 420, 409 I.P.C., Police Station Bithri Chainpur, District Bareilly, during the pendency of trial.
4. As per prosecution story, the applicant, who happens to be the Village Development Officer in Block Bithri Chainpur, is stated to have embezzled heavy amount of the State Exchequer and also flouted the provisions of the UP Panchayati Raj Act as he had transferred the amount to the firm which was in the name of his father Murari Lal.
5. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. There are several reports of the authorities, whereby the work undertaken by the applicant in his official capacity has been found proper, the same have been annexed to the affidavit filed with the anticipatory bail application. Learned counsel has also placed reliance on Annexure-17 of the affidavit which categorically states that the applicant had undertaken the work worth Rs.1,16,03,555/- from 2016 to 2020. Learned counsel has stated that the said expenditure stands explained.
6. Learned counsel for the applicant has further stated that the applicant has been implicated in this case at the behest of Auditor Gurdev Singh who had even retained relevant documents of the applicant and got the said FIR instituted through Additional District Panchayati Raj Officer. The applicant has no criminal antecedent to his credit and is ready to

cooperate with the investigation and trial as well.

7. Per contra, learned AGA has vehemently opposed the anticipatory bail application on the ground that the applicant had challenged the said FIR before this Court by filing Criminal Misc. Writ Petition No.9908 of 2023 which was dismissed vide order dated 12.7.2023 and he was directed to apply for bail under Section 437 Cr.P.C., but the same has not been followed by the applicant rather he has applied for anticipatory bail.

8. After taking into consideration the rival contentions and the fact that heavy loss to the State Exchequer has been incurred due to the act of the applicant in his official capacity, I do not find it a fit case for grant of anticipatory bail to the applicant.

9. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 9.11.2023

Vikas

[Krishan Pahal, J.]