

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48121 of 2023

Applicant :- Ramayan Bhardwaj

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Chandra Prakash Misra, Sushil Kumar Mishra

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. 03 of 2023, under Section 7/12, 13(1)B, 13(2) of Prevention of Corruption Act, police station Anti Corruption Azamgarh, District Azamgarh, A.C.O.U.P., with the prayer to enlarge the applicant on bail.
3. It has been argued by learned counsel for the applicant that the applicant-accused is innocent and he has been falsely implicated in this case. As per prosecution version, co-accused Yadvendra Singh was demanding an amount of Rs. 5,000/- from the defacto complainant for *Paimaish* of her land. It was alleged that on the complaint of defacto complainant made to the Anti Corruption Establishment, a trap team was constituted and on 29.09.2023 the defacto complainant has given the bribe amount of Rs. 5,000/- to co-accused Yadvendra Singh in presence of trap team but the said currency notes have fallen down from the pocket of co-accused Yadvendra Singh and thereafter at the instance of co-accused Yadvendra Singh, applicant-accused has collected the said currency notes. Learned counsel submitted that even as per prosecution version, the applicant has merely lifted the said currency notes from the ground at the instance of co-accused Yadvendra Singh and it cannot be said that he was involved in the alleged incident of

corruption. There is no evidence of demand against the applicant. As per prosecution version, demand was made by co-accused Yadvendra Singh and amount was also paid to him. It was further submitted that applicant was merely present at the spot as he was also working as Lekhpal. Referring to the facts of the matter, it was submitted that there is no credible evidence to show the involvement of applicant in the alleged incident. Lastly, it was submitted that the applicant is in judicial custody since 30.09.2023, 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 argued that the applicant has lifted the said currency notes of bribe amount from the ground at the instance of co-accused Yadvendra Singh.

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 **Ramayan Bhardwaj** 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 :- 21.11.2023

Anand