

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12715 of 2023

Applicant :- Peetam Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ankit Saran, Aditya Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Ankit Saran, learned counsel for the applicant, Sri Sunil Kumar, 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.359 of 2023, under Sections 379 and 409 IPC, Police Station Amroha Dehat, District Amroha, during the pendency of trial.
4. As per prosecution story, the applicant, who happen to be the Cane Development Inspector of the sugarcane society, in collusion with the other co-accused persons is stated to have embezzled an amount of Rs.4,76,17,286/-. An inquiry was instituted against them and nothing could be found but it was reveled that there was no record in the office. It is also alleged in the FIR that the CCTV footage indicates that the said record was stolen on 02.07.2022 by the applicant in collusion with the co-accused persons and it was also opined in the report that the officers did no institute the FIR regarding stealing of the records.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has been made a scapegoat as it was the senior officers who were responsible for upkeep of the records and inquiring the embezzlement, if any. Learned counsel has further stated that the applicant had himself reported the matter to the authorities vide letters dated 17.06.2022, 22.06.2022 and 08.07.2022. The same has been annexed as annexure nos.3, 4 and 5 respectively to the affidavit filed with the anticipatory bail application. Learned counsel has further stated that in the case of embezzlement, the complainant had lodged the FIR. The applicant, being a bonafide person, is entitled for anticipatory

bail. There are no criminal antecedents of the applicant. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.

6. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the said letters do not bear any receipt of the office where they were sent. Learned A.G.A. has further stated that the applicant is the main accused person in recur-in-chief, as such he is not entitled for anticipatory bail. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C.

7. After hearing learned counsel for the parties and taking into consideration the fact that a heavy amount of public money has been embezzled causing loss to the State Exchequer coupled with the fact that the said letters do not bear any receipt, I do not find it a fit case for grant of anticipatory bail to the applicant. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C.

8. After arguing for some time, applicant's counsel submits that the present application for anticipatory bail may be disposed of with a direction to file a regular bail application which may be decided keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another** reported in **2022 SCC OnLine SC 825**.

9. Learned A.G.A. has no objection to the prayer of learned counsel for the applicant.

10. After hearing learned counsel for the parties, no case is made out for interference U/s 438 Cr.P.C. The present anticipatory bail application is **disposed of** with a direction that the applicant shall surrender before the concerned court within one month from today and in case a regular bail application is filed, the same be decided in view of the law laid down by the Supreme Court in case of **Satender Kumar Antil (supra)**.

11. For the period of one month from today or till the time of surrender of the applicant before the concerned court, whichever is earlier, no coercive action shall be taken against the applicant, in the above case.

Order Date :- 22.11.2023
Ravi Kant

(Krishan Pahal, J.)