

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12823 of 2023

Applicant :- Shabsikant Pandey

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- G.S. Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri G.S. Chauhan, learned counsel for the applicant, Sri S.P. Pandey, 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.424 of 2023, under Sections 420, 409 I.P.C., Police Station Kothibhar, District Mahrajganj, during the pendency of trial.
4. As per prosecution story, the applicant, who was the Panchayat Secretary at the relevant time, in collusion with other co-accused persons is stated to have embezzled an amount of Rs.93337/- which was taken on the pretext of constructing the cow shed for various farmers.
5. Learned counsel for the applicant has stated that he has been falsely implicated in the present case. The allegations are *per se* false as it is alleged in the said inquiry report itself that several cow sheds were constructed but payment has not been made. Learned counsel has stated that the allegations are of inflating the bills. The applicant is a government employee and there is no likelihood of him absconding. There is no criminal antecedent of the applicant. The applicant has apprehension of his arrest. Learned counsel has stated that the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.
6. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application on the ground that the applicant had caused loss to the State Exchequer and his share is attributed to Rs.93337/-, as such he is not entitled for

anticipatory bail.

7. After hearing learned counsel for the applicant as well as learned A.G.A. and taking into consideration that applicant had caused loss to Rs.93337/- to the State Exchequer coupled with the fact that the arguments tendered at Bar pertain to regular bail which cannot be agitated under the provisions of Section 438 Cr.P.C., I do not find it a fit case for grant of anticipatory bail to the applicant.

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

9. 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 :- 30.11.2023

Vikas

[Krishan Pahal, J.]