

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13290 of 2023

Applicant :- Kamla Kant @ Kamla Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State and perused the records.
2. The present anticipatory bail application has been filed on behalf of the applicant **Kamla Kant @ Kamla Prasad** in Case Crime No.48A of 2006, under Sections 409, 420, 467, 468, 471 and 120-B/34 I.P.C. at Police Station- Gadwar, District Ballia with a prayer to enlarge him on anticipatory bail.
3. As per prosecution story, the applicant, who happens to be proprietor of fair-price-shop, in collusion with other officials of gram panchayat is stated to have forged the documents including the muster-roll of various labourers and got the money usurped belonging to State Exchequer.
4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. Learned counsel has stated that a detailed inquiry was taken up across the State and the investigation is still going on since 2006. The applicant has been put to much discomfort and jeopardy due to said investigation going on. 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. Learned counsel has further stated that the investigation is going on and the charge-sheet has not yet been filed. There are no criminal antecedents of the applicant. The applicant has apprehension of his arrest. Learned counsel for the applicant has also stated that the applicant has co-operated in the investigation and undertakes that he will cooperate in the investigation in future also failing which the State can move

appropriate application for cancellation of the anticipatory bail. It is lastly submitted that co-accused having identical role has been granted anticipatory bail by this Court on 17.8.2023 vide Criminal Misc. Bail Application No. 45861 of 2019.

5. Per contra, learned AGA has vehemently opposed the anticipatory bail application.

6. Considering the settled principles of law regarding anticipatory bail, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, in my view, it is a fit case for anticipatory bail to the applicant till filing of police report under Section 173(2) CrPC before the Competent Court.

7. The application is **allowed** accordingly.

8. In the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of Station House Officer of the police station concerned with the following conditions:-

(i) The applicant shall make himself available for interrogation by a police officer as and when required.

(ii) 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/her from disclosing such facts to the Court or to any police office.

(iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. Concerned.

9. In case of default of any of the conditions, the Investigating Officer shall be at liberty to file appropriate application for cancellation of protection granted to the applicant.

Order Date :- 2.12.2023

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