

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 13051 of 2023

Applicant :- Vimal Kumar Shukla

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime No.36 of 2006, under Sections 409, 420, 467, 468, 471, 477A, 120B/34 IPC and Section 13(2) Prevention of Corruption Act, P.S. Maniar, District Ballia with the prayer that in the event of arrest, applicant may be released on bail.
3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. It has further been submitted that applicant has no criminal antecedents and that no coercive process has been issued against the applicant so far. At the relevant time, the applicant was working as Supply Inspector and that no specific role has been assigned to him. He was not authorized for sanctioning any amount or for any payment and that he has no role in misappropriation of food-grains. Referring to facts of the matter, it was submitted that the applicant did not commit any cheating or forgery. The allegations that the applicant along with co-accused persons have misappropriated food-grains worth Rs. 17,48,650/- and Rs. 10,98,980/-, are wholly false and there is no evidence to support the said allegation.
4. It is further submitted that during investigation the applicant was granted anticipatory bail till filing of charge-sheet, by this Court vide order dated

06.12.2019, passed in Criminal Misc. Bail Application No.54209 of 2019 and that now charge-sheet has already been filed thus, the applicant is no more required for the purpose of investigation. Nothing incriminating has been recovered from informant. It is further submitted that co-accused Satyendra Singh Gangwar, who was Project Officer and some of the proprietors of Fair Price Shops, namely, Ashok Kumar Pathak, Yogendra Singh, Ganga Sagar Ram, Vijay Shankar and Pati Ram have already been granted anticipatory bail by this Court and the some other co-accused persons have also been granted anticipatory bail. The applicant undertakes to co-operate during trial and he would appear as and when required by the Court. It has been stated that in case, the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and would obey all conditions of bail.

5. Learned A.G.A. has opposed the prayer for anticipatory bail, however, it could not be disputed that similarly placed co-accused persons have already been granted anticipatory bail by this Court.

6. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra**, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

7. In the instant case, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merit of the case, a case for anticipatory bail is made out.

8. The anticipatory bail application is **allowed**.

9. In the event of arrest of the applicant- **Vimal Kumar Shukla** in the aforesaid case crime, 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

the Court below concerned with the following conditions :-

- (i). The applicant shall not tamper with the evidence during the trial.
- (ii). The applicant shall not pressurize/ intimidate the prosecution witness.
- (iii). The applicant shall appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (v). 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above condition, the Court below shall be at liberty to cancel bail of applicant in accordance with law.

Order Date :- 5.12.2023

Neeraj