

Court No. - 85

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 13692 of 2023

Applicant :- Virendra Singh

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

Counsel for Applicant :- Prashant Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the informant.

This anticipatory bail application has been moved seeking bail in Case Crime No. 53 of 2001, under Sections 467, 468, 409, 420, 471, 120-B of IPC and section 13(1)C read with section 13(2) of Prevention of Corruption Act, Police Station Shankergarh, District Allahabad during the pendency of trial.

There is allegation against the applicant that being posted as Junior Engineer during the year 1984-1988, some irregularities were found in the construction to which the appellant was in-charge.

It has been argued by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. It is further submitted that appellant has attained the age of superannuation and now he is old person of 70 years. The F.I.R. has been lodged after a delay of 15 years. Initially the arrest of the appellant was stayed by this Court and thereafter the proceedings of the case were also stayed. The relevant order are brought on record. It is also submitted that on 31.3.2009, the total amount of Rs. 54502.62 has been adjusted out of the retiral benefit of the appellant therefore if any loss was caused to the State, it has already been compensated by that money. It is further submitted that during the same period, six cases were lodged against the appellant and in all cases appellant has been enlarged on bail on the basis that amount involve in those matters has been adjusted from his retiral benefits. In the present case, amount of Rs. 12606.90 was adjusted. It is submitted that charge sheet has been filed against the applicant. It has been stated that applicant is having apprehension of imminent arrest and that in case, they are granted anticipatory bail, he shall not misuse the liberty of bail and will cooperate with the investigation.

Per-contra, learned A.G.A. assisted by learned counsel for the informant has opposed the application for anticipatory bail but could not dispute that the amount involved has already been adjusted and the age of the appellant is 70 years.

Without expressing any opinion on the merits of the case and considering the nature of accusation and antecedent of the applicants, considering the gravity of the offence, considering the Constitution Bench judgment of the Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98*** and in the case of ***Satendra Kumar Antil vs. Central Bureau of Investigation passed in Special Leave to Appeal (Criminal) No. 5191 of 2021***, the anticipatory bail is liable to be allowed.

The application for anticipatory bail is allowed.

In the event of arrest of the applicant Virendra Singh shall be released on anticipatory bail till conclusion of trial on furnishing a personal bond with two sureties each in the like amount of Rs. 50,000/- with the following conditions:-

1. The applicant shall not leave India during pendency of the trial without prior permission from the concerned trial Court.
2. The applicant shall surrender his passport, if any, to the concerned trial Court forthwith. His passport will remain in custody of the concerned trial Court.
3. That 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 from disclosing such facts to the Court or to any police officer;
4. In case, the applicant misuses the liberty of bail, the trial Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98***.

Order Date :- 22.12.2023

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