

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4044 of 2023

Applicant :- Neeraj Kumar Kaushal @ Kishore Kumar

Opposite Party :- State Of U.P. Thru. C.B.I Lko.

Counsel for Applicant :- Prakarsh Pandey, Pradeep Kumar Rai, Praveen Kumar Shukla, Purnendu Chakravarty

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Purnendu Chakravarty, the learned counsel for the applicant as well as Sri Anurag Kumar Singh, the learned counsel for the respondent-C.B.I and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in R.C. No. 0062023A0006, under Section 7 of Prevention of Corruption Act, 1988, registered at Police Station C.B.I/A.C.B. , District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 09.02.2023 alleging that the complainant Sunita Nanda had alleged that the applicant, who was posted as a Senior Auditor in the office of Principle Controller, Defence Accounts (Pension) had demanded Rs. 30,000/- for processing payment of arrears of family pensions.

4. After investigation, a charge sheet has been submitted on 01.04.2023. It is stated that some conversation between the applicant and the complainant was recorded on some electronic device, which had been sent to Central Forensic Science Laboratory (C.F.S.L) but report of the laboratory has not yet been submitted and, therefore, the trial court could not framed charges till date.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the investigation of the case already stands completed and a charge sheet has already been submitted; although the applicant is languishing in jail since 10.02.2023 and a charge-sheet has been submitted on 01.04.2023, charges could not be framed till date because of non submission of

C.F.S.L report; prima facie there is no evidence of any demand made by the applicant from the complainant; being in government employee, there appears to be no reasonable apprehension of the applicant absconding from the process of law, coupled with the fact that the applicant has no previous criminal history, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

6. Accordingly, this bail application stands **allowed**.

7. Let the **applicant- Neeraj Kumar Kaushal @ Kishore Kumar** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 30.11.2023
Preeti.