

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12530 of 2021

Applicant :- Nitin Kukreja

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramesh Singh, Rakesh Kumar

Counsel for Opposite Party :- G.A., Vaibhav Upadhyay

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anand Singh Pawar holding brief of Sri Ramesh Singh, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.
2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No. 467 of 2019, under Sections 381, 406, 504, 506 IPC, Police Station Mahanagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 05.11.2019 against four persons, not including the applicant, alleging that the informant was director of a private coaching institute in which co-accused persons Ajay Mishra and Govind Singh Dhami used to work as employees and they embezzled about Rs. 1.5 crore from the coaching's account.
4. During investigation, the applicant has been implicated as some amount was transferred by the co-accused person Ajay Mishra to the applicant's bank account also.
5. In the affidavit filed in support of the application it has been stated that the applicant was working as a teacher in the coaching and the amount transferred as a part of remuneration payable to him.
6. The applicant was granted interim anticipatory bail by means of an order dated 02.11.2021.
7. The State has filed a counter affidavit opposing the bail application and it has been stated therein that the applicant has not cooperating with the investigation and he did not appear and get his statement recorded in response to a notice under Section 41A Cr.P.C.

8. The applicant has filed a rejoinder affidavit stating that the aforesaid allegation is apparently false as it has been stated in the counter affidavit itself that a charge sheet has already been submitted on 10.11.2021.

9. No violation of the conditions of interim anticipatory bail has been pointed out in the counter affidavit.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the facts that the applicant is not alleged to have violated the conditions of interim anticipatory bail granted to him; that the investigation already stands concluded and there is no need for his custodial interrogation, I am of the view that the interim order dated 02.11.2021 deserves to be made absolute and the application deserves to be allowed.

11. In view of the aforesaid circumstances, the interim order dated 02.11.2021 is hereby made absolute and the application is **allowed** in terms of the aforesaid order.

12. Learned counsel for the applicant informs that the applicant has submitted bail bonds.

Order Date :- 24.11.2023

Pradeep/-