

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8873 of 2023

Applicant :- Chhatrapal Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Kaustubh Singh, Akshay Kumar Singh, Bal Keshwar Srivastava, Ruchir

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bal Keshwar Srivastava, learned counsel for the applicant, Sri Virendra Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.120 of 2023, under Section 7 Prevention of Corruption Act, 1988, registered at Police Station Kotwali Nagar, District Hamirpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.04.2023 stating that a complaint had been received regarding demand of Rs.5000/- made by the applicant, who was a lekhpal, as bribe for performance of his public duty. Upon receipt of the complaint, a trap was set up and the applicant was caught red handed when he had demanded and accepted the bribe.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. Learned counsel for the applicant has submitted that the applicant's wife has not been keeping well and she has been advised to undergo a surgery. Documents regarding the medical condition of the applicant's wife has been annexed with a supplementary affidavit filed in support of the application. It has further been stated in the supplementary affidavit that the trial is pending in a court which is lying vacant since June, 2023.

6. The State has opposed the bail application by filing a counter

affidavit and copy of the charge-sheet dated 30.05.2023 has been annexed with the counter affidavit.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the offence alleged carries a maximum punishment of imprisonment up to 7 years; that the applicant has no criminal history and trial court is lying vacant since June, 2023; that the investigation already having been completed, there appears to be no need to custodial interrogation and the applicant's wife is not keeping well and she has been advised to undergo a surgery which is difficult to be preformed without help of the applicant, and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

10. Let the **applicant**-Chhatrapal Singh be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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 :- 6.12.2023
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