

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1746 of 2023

Applicant :- V.K. Singh (Vinod Kumar Singh)

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

Counsel for Applicant :- Shobhit Nigam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ankit Trivedi holding brief of Sri Shobhit Nigam, the learned counsel for the applicant and Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.

2. The applicant was granted interim anticipatory bail by means of order dated 08.08.2023 which reads as under:-

"1. Heard Sri Shobhit Nigam, the learned counsel for the applicant, Sri Rao Narendra Singh, learned AGA-I for the State and perused the records.

2. The instant application has been filed seeking anticipatory bail for the applicant in Case Crime No. 17 of 2021, under Sections 409, 120-B IPC, Police Station SIT, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged by an Inspector of Police against 16 named persons, including the applicant, and some unnamed builders and contractors etc., in furtherance of a report submitted by Special Investigating Team alleging administrative and financial irregularities committed in 137 construction works.

4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case. It has been contended that the allegation against the applicant is of having committed irregularities in construction of Rajkiya Engineering College, Deogaon, Azamgarh whereas the applicant was never posted in the aforesaid project.

5. A supplementary affidavit has been filed on behalf of the applicant annexing therewith the reply of the anticipatory bail filed by the applicant in the court of Sessions Judge, Lucknow by the Special Investigating Team wherein it is stated that while working as Assistant Resident Engineer (Civil), the applicant had recommended advance payment for piece rated works regarding the construction of Government Engineering College, Deogaon, Azamgarh.

6. The matter requires consideration.

7. Let a counter affidavit be filed within a period of two weeks.

8. Rejoinder affidavit, if any, may be filed within a period of one week thereafter.

9. List in the week commencing 04.09.2023.

10. Keeping in view the the aforesaid facts and circumstances of the case, I am of the view that the applicant is entitled to be granted interim anticipatory bail in the matter.

11. Therefore, it is directed that in the event of arrest/appearance of applicant-V.K. Singh (Vinod Kumar Singh) before the learned Trial Court till the next date of listing, he shall be released on interim anticipatory bail in the aforesaid case crime on his furnishing personal bail bond and two solvent sureties to the satisfaction of the learned Trial Court on the following conditions and subject to any other conditions that may be fixed by the Trial Court:-

(i). That the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

(ii). 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 or tamper with the evidence;

(iii). That the applicant shall not leave India without the previous permission of the court;

(iv). That the applicant shall not pressurize/ intimidate the prosecution witness."

3. Although the State has filed a counter affidavit but it could not be disputed therein that the applicant was never posted in the project in question. Nothing has come to light which may persuade this Court to take a view, different from the view taken while passing the aforesaid order, nor the learned A.G.A. has pointed out violation of any of the conditions of interim anticipatory bail committed by the applicant.

4. In view of the aforesaid circumstances, the interim order dated 08.08.2023 is hereby made absolute and the application is **allowed** in terms of the aforesaid order.

5. In case the applicant has not furnished bail bonds in compliance of the interim order, he shall do so within a period of two weeks from today.

Order Date :- 18.10.2023

Pradeep/-