

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1948 of 2023

Applicant :- Shri Bhadra Narayan

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

Counsel for Applicant :- Atul Verma, Hari Krishna
Verma, Sanjeev Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. On 18.09.2023, after hearing the learned counsel for the applicant and the learned A.G.A. this Court had passed the following interim order -

"1. Heard Sri Atul Verma, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.167 of 2023, under Sections 409/420 I.P.C., registered at Police Station Hazratganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.05.2023 by the Mahamantri of Sri Gandhi Ashram, Shahnazaf Road, Hazratganj, Lucknow, stating that the applicant used to work as Cashier in the aforesaid organization and by making wrong entries in the account's book in various years he embezzled an amount of Rs.32,85,906/-.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is 75 years old innocent person, he has no criminal history and he has falsely been implicated in the present case. The applicant has retired after attaining the age of superannuation in the year 2011 and he was given reemployment on contractual basis under which he continued to work till 31.03.2021. It has further been stated in the affidavit that the applicant is suffering from arthritis and is unable to conduct his day to day chores. It has also been stated that the applicant is suffering from heart ailment.

5. The matter requires consideration.

6. Let a counter affidavit be filed by learned Additional Government Advocate within one week from today. In case a counter affidavit is filed, the applicant may file a rejoinder affidavit, if any, within one week thereafter.

7. As an interim measure, it is provided that in the event of arrest/appearance of applicant-Shri Bhadra Narayan before the learned Trial

Court in the aforesaid case crime, he shall be released on interim anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned 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 pressurize/ intimidate the prosecution witness;

8. In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this interim order.

9. List this case in the week commencing 09.10.2023."

2. Although counter and rejoinder affidavits have been filed, 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.

3. Learned counsel for the applicant has informed that the applicant has already furnished bail bonds in furtherance of the interim order dated 18.09.2023.

4. In view of the aforesaid circumstances, the interim order dated 18.09.2023 is hereby made absolute and the application is **allowed** in terms of the aforesaid interim order.

Order Date :- 18.10.2023

Pradeep/-