

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11222 of 2023

Applicant :- Satish Kumar Tripathi

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Civil Sectt. U.P. Lko.

Counsel for Applicant :- Satyendra Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Satyendra Kumar Tiwari, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 444 of 2022, under Section 409 I.P.C., registered at Police Station Raniganj, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 30.11.2022, stating that the applicant was posted as M.J (Moharrir Judicial) in the court of Tehsildar, Raniganj and he was transferred to Tehsil Lalganj, Pratapgarh by means of an order dated 13.10.2020. The applicant was relieved on 01.11.2022 with an instruction to handover charge of the person posted in his place but as against 4500 cases registered on the portal, he handed over merely 259 files.
4. In the affidavit filed in support of the 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. The applicant has been suspended on the same set of allegations and disciplinary proceedings against him is pending.
6. The learned counsel for the applicant has submitted that the missing files have already been reconstructed and it has come to light that as many as 350 files have already been disposed off.

7. The learned A.G.A. has opposed the prayer of the 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 applicant is still a government employee under suspension and there appears to be no reasonable apprehension of the applicant absconding under process of law and without making any observations 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.

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

10. Let the applicant- **Satish Kumar Tripathi** 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 :- 6.11.2023

Preeti.