

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11678 of 2023

Applicant :- Rajneesh Dixit

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

Counsel for Applicant :- Harjot Singh, Vivek Kumar Rai

Counsel for Opposite Party :- G.A., Romit Seth, Varsha Sharma

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vivek Kumar Rai, learned counsel for the applicant, Sri Vinod Kumar Sahi, the learned Additional Advocate General assisted by Sri Rao Narendra Singh, learned A.G.A.-I for the State, Sri Romit Seth, the learned counsel for the informant and perused the records.

2. This second application has been filed seeking release of the applicant on bail in Case Crime No. 160 of 2020, under Sections 167, 406, 419, 420, 467, 468, 471, 120-B of Indian Penal Code, 1860 and Sections 7/13 of Prevention of Corruption Act, 1988, Police Station Hazratganj, District Lucknow.

3. The first Bail Application No.9539 of 2020 was rejected by means of an order dated 29.01.2021 along with the bail applications of seven other co-accused persons. The second application has been moved on the ground that the applicant is languishing in jail since 14.06.2020 and the trial is not proceeding.

4. The learned counsel for the applicant has submitted that the applicant was working as Personal Assistant to Minister and it is alleged that he had also helped in entry of other accused persons in the Secretariat building.

5. In the affidavit filed in support of the application for bail it is stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in two other cases has been disclosed in para 26 of the bail application in which he has been implicated after his arrest in the present case, in one of which he has already been granted bail.

6. The learned counsel for the applicant has next submitted that

subsequent to rejection of the first bail application of the applicant, one co-accused person Umesh Kumar Mishra has been granted bail by means of an order dated 22.05.2023 passed by this Court in Bail Application No. 14077 of 2021. The aforesaid co-accused person was working as Review Officer in the Secretariat and the allegations against him was that he had paid some money to the applicant for arranging a forged gate pass to the main accused Ashish Rai.

7. It has also been submitted on behalf of the applicant that the co-accused Ashish Rai has also been granted bail by means of an order dated 02.11.2023 by this court in Criminal Misc. Bail Application No. 10389 of 2023.

8. As the aforesaid two co-accused persons have been granted bail in the present case whereas the applicant is languishing in jail since 14.06.2020, I am of the view that the applicant is also entitled to be released on bail in the aforesaid case.

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

10. Let the **applicant-Rajneesh Dixit** 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 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.

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(Subhash Vidyarthi, J.)

Order Date :- 22.11.2023

Ram.