

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11386 of 2023

Applicant :- Mohammad Nasir Khan

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

Counsel for Applicant :- Satendra Kumar (Singh), Karunesh Singh, Nalin Arora

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Karunesh Singh, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned A.G.A. 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. 02 of 2023, under Section 12 read with 7 of Prevention of Corruption Act, registered at Police Station Anti Corruption, District Kanpur.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 19.07.2023 against two persons, including the applicant, stating that the co-accused Ankit Mishra, who was working as a Junior Engineer, had demanded bribe for performance of his official duties. A trap was laid down. The informant went to the co-accused, who demanded the bribe and when the informant tendered the bribe money, the co-accused had directed the informant to the applicant, who received money on behalf of the co-accused Ankit Mishra.

4. The learned counsel for the applicant has submitted that co-accused Ankit Mishra, has already been granted bail by means of an order dated 29.09.2023 passed by the Special Judge, P.C. Act 8 Lucknow.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the person who had demanded the bribe and who was to perform the official duties, in connection whereof the bribe has been demanded, has already been granted bail and the allegation against the applicant is of merely having received the money on behalf of co-accused person and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

8. Let the applicant- **Mohammad Nasir Khan** 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 :- 16.10.2023

Preeti.