

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2245 of 2023

Applicant :- Bagish Gaur

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

Counsel for Applicant :- Anand Dubey,Deepak Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anand Dubey, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 212/2019, under Section 409 IPC, Police Station Rajesultanpur, District Ambedkarnagar.
3. The aforesaid case has been registered on the basis of an FIR lodged on 30.10.2019 against the applicant and one Chandra Prakash Pandey, in furtherance of directions issued by the Assistant Commissioner and Assistant Registrar, Cooperative Societies, Ambedkar Nagar, for non delivery of 7.57 quintal wheat worth Rs. 14,31,727.50 to PCF.
4. In the affidavit filed in support of the application, it has been stated that the applicant was working as Secretary of Sadhan Sahkari Samiti and he was responsible for loading of wheat on the truck and dispatch thereof, which was done. Thereafter, if the consignment did not reach its destination, the applicant is not responsible for the same.
5. Learned counsel for the applicant has submitted that without initiating any disciplinary proceedings against the applicant, a recovery certificate has been issued against the applicant.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR has been lodged on the instructions of higher officials and it does not contain any particular allegation of any act of omission or commission on the part of the applicant and no disciplinary proceedings have been initiated against the applicant; the applicant continues to be in service and there appears to be no

reasonable apprehension of the applicant absconding from the process of law, I am of the view that the applicant is entitled to be granted anticipatory bail in the present case.

7. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Bagish Gaur*** before the learned Trial Court in the aforesaid case, he shall be released on 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.

Order Date :- 13.10.2023

Pradeep/-