

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2239 of 2023

Applicant :- Girja Shankar Yadav

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home
Dept. Lko.

Counsel for Applicant :- Permashwar Dutt Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Premashwar Dutt Tewari, learned counsel for applicant as well as Shri Anurag Verma, learned A.G.A. 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.0158 of 2023, under Sections 120-B, 419, 420, 467, 468, 471, 409 I.P.C., registered at Police Station-Gomti Nagar Extension, District-Lucknow.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 17.06.2023 by the District Commandant Home Guards, Lucknow against fourteen persons, including the Block Organizer (Company Commander)-Suresh Singh and several other Home Guards, including the applicant, alleging that the Block Organizer Home Guards-Suresh Singh used to certify attendance of Home Guards on Muster Roll and obtain payments in illegal manner, without actual performance of duties. The F.I.R. states that the Home Guards may be involved in commission of the offence with Block Officer-Suresh Singh.
4. The District Commandant Home Guards, Lucknow had issued a notice dated 19.06.2023 to the applicant, to which the applicant had submitted his reply on 31.07.2023 inter-alia stating that he has not committed any illegality in performance of duties on preparation of Muster Roll; that his A.T.M. card used to be in custody of Suresh Singh and the applicant has not made any wrongful withdrawal of excess salary.
5. The other co-accused persons, namely, Manish Kumar, Krishna Kumar Yadav, Nekram, Sunil Kumar and Narendra Kumar have been granted anticipatory bail by means of the orders dated 19.09.2023, 19.09.2023, 19.09.2023, 06.09.2023 and 06.09.2023 passed in Criminal Misc. Anticipatory Bail

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. principally contains allegations against Suresh Singh and allegation against the Home Guards is only of a suspicion of their involvement with Suresh Singh; that two co-accused persons have been granted anticipatory bail and that the applicant has no previous criminal antecedents. I am of the view that the applicant is entitled to be granted anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-**Girja Shankar Yadav** before the learned Trial Court in the aforesaid case crime, 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;

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(Subhash Vidyarthi, J.)

Order Date :- 12.10.2023

-Amit K-