

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12603 of 2023

Applicant :- Kamal Kumar Jain

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

Counsel for Applicant :- Madhulika Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Madhulika Yadav, learned counsel for the applicants, Sri Rakesh Kumar Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 8 of 2023, under Section 7 of Prevention of Corruption Act, 1988, Police Station Lucknow-Sector (Satarkata Adhistan), District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.09.2023 stating that the applicant had demanded Rs. 10,000/- as bribe from the complainant for issuing permit for felling trees and he was caught red handed in a trap laid by the officials of the Vigilance Department.

4. In the affidavit filed in support of 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 learned counsel for the applicant has submitted that the applicant was posted as Regional Forest Officer and he has no authority to grant permit for felling of trees which authority vests in Divisional Forest Officer.

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 applicant is a government employee having no previous criminal history and that the offence alleged carries a maximum punishment of imprisonment upto seven years, I am of the view that the applicant is entitled to be released on bail in the aforesaid case.

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

9. Let the applicant-***Kamal Kumar Jain*** be released on bail in Case Crime No. 8 of 2023, under Section 7 of Prevention of Corruption Act, 1988, Police Station Lucknow-Sector (Satarkata Adhistan), District Lucknow 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.

Order Date :- 27.10.2023

Pradeep/-