

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2330 of 2023

Applicant :- Ahmad Abbas Rizvi @ (A.A. Rizvi)

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home), U.P. Govt. Lucknow
And Another

Counsel for Applicant :- Rishad Murtaza, Aishwarya Mishra, Syed Ali Jafar Rizvi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rishad Murtaza, the learned counsel for the applicant as well as Sri Anurag Verma-I, the learned Additional Government Advocate-I appearing on behalf of the State 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.1 of 2014, under Sections 409, 120B I.P.C., 13(2) and 13(1)(d) of the Prevention of Corruption Act, registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.01.2014 against 19 persons, not including the applicant, alleging various irregularities committed in procuring stones for construction of various memorials. Applicant's name surfaced during investigation as he was posted as Additional Project Director in U.P. Rajkiya Nirman Nigam Ltd., at the relevant time.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is 68 years old innocent person, he has no criminal history and he has falsely been implicated in the present case.

5. Learned counsel for the applicant has submitted that out of a total of 57 accused persons, 44 persons have been granted anticipatory bail, including co-accused Pramod Kumar Jain, who was posted as Project Director by means of the order dated 10.11.2021 passed by this Court

in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No.12769 of 2021. Learned counsel for the applicant has further submitted that the investigation stands completed and a charge-sheet has already been submitted wayback in the year 2021.

6. The learned A.G.A. has opposed the prayer for bail and he has submitted that a large number of accused persons have caused heavy financial loss to the Government by financial bungling in construction of memorials and procurement of stones therefor and aforesaid circumstance do not warrant grant of bail to the applicant.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the constructions in question were raised between 2007-12; that the FIR has been lodged in the year 2014; that presently the applicant is 68 years of age and having already retired from service long ago; that in case of grant of anticipatory bail, the applicant will not be in a position to tamper with the evidence or influence the witnesses; several other accused including co-accused, Pramod Kumar Jain have already been granted anticipatory bail, coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Ahmad Abbas Rizvi @ (A.A. Rizvi)** 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;

(Subhash Vidyarthi, J.)

Order Date :- 19.10.2023
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