

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2317 of 2023

Applicant :- Mahendra Pratap Singh

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

Counsel for Applicant :- R.B.S. Rathaur, Akhil Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri R.B.S. Rathaur, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, 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. 444 of 2020, under Sections 3/7 of Essential Commodities Act & Section 409 IPC, Police Station Lalganj, District Raebareli.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.08.2020 alleging that while working as Secretary of Sadhan Sahkari Samiti Limited Haripur and Champatpur Bemaure, the applicant had committed illegalities in distribution of Urea. Initially the FIR was lodged under Sections 3 & 7 of the Essential Commodities Act only and Writ Petition No. 21691 (M/B) of 2020 filed by the applicant was disposed of by means of an order dated 23.11.2020 providing that the applicant will be entitled to the benefit of Section 41A Cr.P.C. Subsequently commission of offence under Section 109 IPC has been added during investigation.
4. The learned counsel for the applicant has drawn attention to a copy of the order dated 27.10.2020 passed by the Deputy Commissioner and Deputy Registrar, Cooperative recording that in a departmental inquiry, the applicant has been exonerated by the Inquiry Officer. However, a censor entry has been awarded to him for dereliction of duty in distribution of urea which has adversely affected the working of the committee.
5. The learned A.G.A. has opposed the prayer for 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 applicant has been exonerated of similar charges in a departmental inquiry and he is continuing in service and there appears to be no reasonable apprehension of his absconding from the process of law 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 during pendency of the trial.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Mahendra Pratap Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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 :- 19.10.2023

Pradeep/-