

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2345 of 2023

Applicant :- Manzoor Alam Khan

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

Counsel for Applicant :- Manish Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manish Kumar Tripathi, 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.146 of 2023, under Sections 409, 467, 468, 471, 120B I.P.C., 7/13 of Prevention of Corruption Act, 1988 registered at Police Station Pachperwa, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.04.2023 against three persons, including the then S.D.M./Executive Officer, Chairman Nagar Palika (the applicant) and a clerk in Nagar Palika, Pachpedwa in furtherance of an order dated 16.01.2023 passed by the Director Local Bodies. FIR does not contain any allegation of any specific act committed by any of the accused persons and the complaint mentioned in the FIR has not been provided even to the learned A.G.A. while providing him instruction in the matter.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that Compact Fluorescent Lamps were supplied for being installed at public pathways during the year 2012-13 and a complaint was filed in the year 2015 alleging certain irregularities committed in the process.

5. Co-accused-Rakesh Kumar Singh, who was posted as S.D.M./Executive Officer at the relevant time, and Mohammad Saghir Khan have already been granted anticipatory bail by means of orders dated 19.07.2023 & 04.10.2023 passed by this Court in Anticipatory Bail Nos. 8062 of 2023 & 2154 of 2023.

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 S.D.M./Executive Officer has already been granted anticipatory bail in the present case and that the applicant is working on the post of Chairman, Nagar Panchayat and there appears to be no reasonable apprehension of his escaping from the process of the 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.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Manzoor Alam Khan** 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.

Order Date :- 19.10.2023

Pradeep/-