Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12509 of 2023

Applicant :- Gaurav Dubey
Opposite Party :- State Of U.P. Thru. Secy. Home Lko.
Counsel for Applicant :- Avneesh Kumar Rai,Shiv Kumar Vishwakarma
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shiv Kumar Vishwakarma, the learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A.-I 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. 006 of 2022, under Sections 120 B, 420, 413, 414 I.P.C., registered at Police Station- S.I.T., District- Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.04.2022 at Police Station-S.I.T., Lucknow against four named persons, not including the applicant, and their unnamed accomplices, stating that the co-accused Rajesh Pathak, who was working as a Lekhpal, was involved with the other accused persons in fraudulent withdrawal of amounts of the G.P.F. and other dues of Government employees from the treasury by using the forged documents.

4. Earlier an F.I.R. No. 86 of 2021 was lodged in Police Station-Nawabganj, District- Gonda, on 17.03.2021 on same set of allegations against same set of accused persons and a fresh F.I.R. was lodged in Police Station-SIT, District- Lucknow, after the investigation was transferred to SIT.

5. Co-accused Rajesh Pathak and Ankit Pathak have already been granted bail in the present matter by means of orders dated 18.10.2021 & 01.11.2023 passed by this Court in bail Application Nos. 11613 of 2021 & 12873 of 2023. Other named accused persons Arun Kumar Verma, Arun Kumar Srivastava, Nanmun Prasad Maurya and Ram Jag have also been granted bail in the present case and copies of their bail orders have been annexed in the affidavit enclosed with the bail application.

6. The learned A.G.A. has opposed the prayer for bail and he

has submitted that a huge sum of Rs 1,68,58,650/- was deposited in the applicants bank account showing his prime facie involvement in commission of the offence.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that six co-accused persons have already been granted bail in the present case; that the applicant has no previous criminal history and he is languishing in jail since 13.09.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

9. Let the applicant-***Gaurav Dubey*** be released on bail in the aforesaid case 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 :- 3.11.2023
Pradeep/-

Digitally signed by :-
PRADEEP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench