

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2377 of 2023

Applicant :- Ashish Ranjan

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Hpme, Lucknow And
Another

Counsel for Applicant :- Abhisht Saran, Gyan Prakash Panday

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhisht Saran, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate 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.74 of 2019, under Section 409 I.P.C., registered at Police Station Jamo, District Amethi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.03.2023 against the applicant, who was posted as Village Development Officer, and Village Pradhan, stating that during verification of beneficiaries of Pradhan Mantri Awas Yojana, it came to light that out of 259 beneficiaries, 74 were ineligible. Out of those 74 beneficiaries, 58 had been paid first/second installments of the benefit. It was said in the FIR that the Village Pradhan and the applicant are guilty of selecting ineligible candidates.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. It has been further stated that the applicant has been suspended from the service by means of an order dated 03.02.2023.

5. The informant is then Block Development Officer, who stated in his statement recorded under Section 161 Cr.P.C. that final list of

beneficiaries is prepared by the Village Development Officer and it is approved by Block Development Officer and is forwarded by him to the Project Director.

6. The informant himself had earlier approved the list submitted by the applicant and, subsequently, the same authority has found fault in the list, which had been approved by himself.

7. Learned A.G.A. has opposed the bail applicant and, as per the instructions, he has submitted that the applicant is not cooperating with the investigation.

8. Learned counsel for the applicant has submitted that the applicant is willing to cooperate with the investigation, provided he is granted protection from arrest.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a Government servant and he had prepared the list in performance of his official duty; that list prepared by the applicant was approved and forwarded by the informant himself, who is applicant's superior authority and the same authority has later found fault in the list; that the applicant has been suspended from the service and there is no reasonable apprehension of his being able to tamper with the evidence of the case and that being in government service there appears to be no reasonable apprehension of the applicant's absconding from the process of law, 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.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-**

Ashish Ranjan 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 :- 27.10.2023
prateek