

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438

CR.P.C. No. - 2417 of 2023

Applicant :- Ajeet Kumar

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

Counsel for Applicant :- Awadhesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Awadhesh Kumar Singh, the learned counsel for the applicant as well as 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.225 of 2023, under Sections 409, 420 I.P.C., registered at Police Station Wazirganj, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.05.2023 against the applicant and one Omkar Singh in furtherance of a complaint sent to the Chief Minister on 13.09.2022 stating that the applicant is not a recorded tenure holder of any part of agriculture land in the village in question but huge amount were transferred to his amount in the name of fake purchase of wheat and paddy by the applicant, who is Secretary of Sadhan Sahkari Samiti Limited, Wazeerganj and Chandapur. In furtherance of aforesaid complaint an enquiry report dated 31.03.2023 was submitted by the Additional District Magistrate, Gonda as per which, a total Rs.3,89,994/- was transferred to the Bank account of the applicant in violation of policy for purchase of paddy/wheat.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent and he has falsely been implicated in the present case. Paddy purchase policy dated 23.09.2020 has been annexed as Annexure-7 to the affidavit, as per which purchase can be made from 'Bataidar' (persons cultivating land

on partnership who are not recorded tenure holder) and the applicant claims himself to be a bataidar. Applicant's involvement in another case has been disclosed in para 21 of the affidavit, in which final report has been submitted after investigation. Co-accused Omkar Singh has been granted anticipatory bail by this Court by means of the order dated 24.08.2023 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No.1872 of 2023.

5. Having considered the aforesaid facts and circumstances of the case 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.

6. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-Ajeet Kumar 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 :- 31.10.2023/prateek