

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2427 of 2023

Applicant :- Girija Shankar Dixit

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home, U.P. Govt. Lucknow

Counsel for Applicant :- Akhilendra Singh, Anurag Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Akhilendra Singh, the learned counsel for the applicant, Sri Vinod Kumar Shahi, the learned Additional Advocate General assisted by Sri Anurag Verma, the learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking anticipatory bail for the applicant in Case Crime No.07 of 2021, under Sections 409, 120-B IPC, Police Station SIT, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged by an Inspector of Police against 11 named persons, including the applicant, and some unnamed builders and contractors etc., in furtherance of a report submitted by Special Investigating Team alleging administrative and financial irregularities committed in 137 construction works.

4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case. It has been contended that the allegation against the applicant is of having committed irregularities in construction of Community Health Centre, Chiraigaon, Varanasi, Primary Health Centres in Gobrahan, VARanasi and Baburi, Chandauli and one T.B. Clinic in Chandauli.

5. The applicant was removed from services on 24.09.2014 and an order for recovery of Rs. 1,89,29,700/- was directed to be made from the applicant, which has been stayed by this Court vide order dated 17.10.2014 passed in Writ Petition No. 1456 (S/B) of 2014. The order dated 17.10.2014 is still in operation.

6. 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. Applicant's involvement in eleven other cases based on the same investigation report has been disclosed in para 31 of the affidavit filed in support of the application. The applicant is 68

year's old and a cardiac patient.

7. The co-accused Hira Lal Ram has been granted anticipatory bail by this court by means of an order dated 18.10.2023, passed in Criminal Misc. Anticipatory Bail Application No.2280 of 2023.

8. The learned Additional Advocate General has vehemently opposed the anticipatory bail application and he has submitted that the F.I.R indicates commission of offence by various persons in construction of various works, causing huge wrongful loss to the public exchequer and the aforesaid facts do not warrant discretion of this court by granting pre arrest bail to the applicant.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that works in question were carried out during 2003-04 to 2012-13; FIR has been lodged in the year 2021; That the applicant was posted as Resident Engineer/ Assistant Resident Engineer in Varanasi Unit-2 of UPRNNL until 30.04.2012 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-Girija Shankar Dixit** 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 :- 1.11.2023

Ram.