

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13101 of 2023

Applicant :- Ankur Pathak

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

Counsel for Applicant :- Nadeem Murtaza, Anjani Kumar Mishra, Harsh Vardhan Kediya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Harsh Vardhan Kediya, the learned counsel for the applicant, Sri Anurag Verma, 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 persons, namely, Rajesh Pathak, Ankit Pathak and Gaurav Dubey, have already been granted bail in the present matter by means of orders dated 18.10.2021 , 01.11.2023 and 03.11.2023 passed by this Court in bail Application Nos. 11613 of 2021, 12873 of 2023 and 12509 of 2023, respectively. 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 35,10,480/- were transferred to two bank accounts of the applicant and he further submitted that the investigation against the applicant revealed his involvement in commission of the offence.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that seven 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 12.09.2023 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- **Ankur Pathak** 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.

(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023
Preeti.