

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2480 of 2023

Applicant :- Lalit Kumar Srivastava

Opposite Party :- State Thru. C.B.I./Acb Lucknow

Counsel for Applicant :- Samarth Agarwal, Navneet Yadav, Raj
Kumar Mishra

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicant and Sri Anurag Kumar Singh, learned counsel for the respondent-CBI.
2. By means of the instant application the applicant is seeking anticipatory bail in Criminal Case No. 1024 of 2023 arising out of Crime No. RC0062017A005 of Police Station CBI/ACB, under Sections 120-B r/w 409, 420, 471, 477-A of Indian Penal Code, 1860 and Section 13(2) read with Section 13(1)(d) Prevention of Corruption Act, 1988 pending before learned Special Judge, Anti-Corruption CBI, Court No. 4, Lucknow.
3. Allegation against the the applicant is that he had withdrawn Rs.12,00,000/- which was fraudulently credited into the account of the Firm of applicant by a criminal conspiracy with co-accused, S.N. Chaube.
4. Co-accused Kiran Mishra has been granted bail by means of an order dated 24.08.2023 passed by Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No(s). 6359/2023. Co-accused Smt. Meera Devi and Ashwani Kumar Jaiswal alias Ashwani Jaiswal have been granted anticipatory bail by means of orders dated 03.08.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application Nos. 1717 of 2023 and 1718 of 2023 respectively.
5. 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.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of

the case coupled with the fact that co-accused-Smt Meera Devi and Ashwani Kumar Jaiswal alias Ashwani Jaiswal have been granted anticipatory bail 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.

8. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Lalit Kumar Srivastava*** 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 :- 3.11.2023

Pradeep/-