

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13096 of 2023

Applicant :- Amrendra Kumar Singh

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

Counsel for Applicant :- Dharendra Singh Panwar, Prashant Kumar Singh

Counsel for Opposite Party :- G,A

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dharendra Singh Panwar, the learned counsel for the applicant as well as Sri Vinod Kumar Shahi, the learned Additional Advocate General assisted by Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed seeking bail for the applicant in Case Crime No. 16 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 different project works in Varanasi Zone while being posted as Accountant.

5. In the affidavit filed in support of the bail-application, it has been contended that the applicant is innocent, and he has falsely been implicated in the present case. The applicant's involvement in nine other cases based on the same investigation report has been disclosed in para 26 of the affidavit filed in support of the application.

6. In Case Crime No. 06/2021 and 17/2021, the applicant has been granted bail by means of an order dated 30.10.2023 passed by this Court in Criminal Misc. Bail No. 12608 of 2023 and 12618 of 2023.

7. It has also been submitted that the co-accused Hira Lal Ram has already been granted anticipatory bail by means of an order dated 10.01.2023 passed by this Court in Criminal Misc. Anticipatory Bail Applications No. 2288 of 2023.

8. The learned Additional Advocate General has vehemently opposed the 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 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 presently the applicant has attained the age of 60 years and he has cooperated during investigation; that several other co-accused persons have already been granted 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 bail to the applicant.

10. Accordingly, this bail application stands **allowed**.

11. Let the **applicant-Amrendra Kumar Singh** be released on bail in aforementioned 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

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