

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2510 of 2023

Applicant :- Ram Shankar Yadav

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

Counsel for Applicant :- Suresh Kumar Yadav, Amrendra Nath
Tripathi

Counsel for Opposite Party :- G.A., Dr Pooja Singh, Dr. Pooja
Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Amrendra Nath Tripathi, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA, Ms Pooja Singh, learned counsel for complainant and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 711 of 2022, under Sections 406, 409, 419, 420 IPC, Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of an FIR lodged on 19.07.2022 against the six named persons including the applicant and some other employees, alleging that the informant is working as Professor in postgraduate college. Earlier the applicant used to officiate as Principal of the college and during the years 2017-2022, he had authorized another employee, co-accused Ramesh Kumar Mishra to receive fee from the students in cash, whereas the same ought to have been deposited only through online method. Rs.6,00,875/- was embezzled by the accused persons.
4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history.
5. It has been stated that on an earlier occasion, when the applicant was officiating as Principal of the college, a similar complaint had been received and he had lodged FIR No.390 of 2018, under Sections 419, 420, 467, 468, 471 IPC at Police Station Kotwali, District Barabanki.
6. The FIR contains a reference to inquiry report dated

27.06.2022, a copy whereof has been annexed with the affidavit wherein it is recorded that acceptance of fee in cash was against the rule and *prima facie* there appears to be a possibility of an embezzlement, for which the concerned Principal and other officers/employees are guilty. The report records that no evidence could be collected regarding the allegation that some money was paid to the applicant out of the money received towards the fee in cash.

7. Learned counsel for the informant has vehemently opposed the prayer for bail and stated that disciplinary proceedings are going on against the applicant but learned counsel for the applicant has submitted that no charge sheet has been served upon the applicant till date.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is serving as Professor in degree college, he has no criminal history and there appears to be no reasonable apprehension of his absconding from the process of law 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.

9. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of **applicant-Ram Shankar Yadav** before the learned Trial Court in the aforesaid complaint case, 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 :- 7.11.2023

Renu/-