

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2532 of 2023

Applicant :- V.K Singh (Vinod Kumar Singh)

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

Counsel for Applicant :- Shobhit Nigam,Dinesh Chandra Vaish

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Purnendu Chakravarty, 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 release of the applicant in anticipatory bail in Case Crime No.06 of 2021, under Section 409, 120-B I.P.C., registered at Police Station SIT, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 13.03.2021 against 18 persons, including the applicant alleging certain illegalities committed in making payment for 137 works carried out by the Uttar Pradesh Rajkiya Nirma Nigam between the periods 2004-05 to 2012-13.

4. The applicant was working as an Assistant Resident Engineer during the relevant period and he has retired after attaining an age of superannuation on 30.09.2023.

5. It has further been stated that in the affidavit filed in support of the anticipatory bail application that the applicant has been implicated in one more F.I.R. arising out of similar allegations. It has also been submitted by learned counsel for the applicant that the co-accused Suraj Prasad Chaubey has already been granted bail by this court by means of an order dated 12.10.2023 passed in Criminal Misc. Bail Application No. 12168 of 2023.

6. The learned Additional Advocate General has vehemently opposed the anticipatory bail application and he has submitted that the allegations against the applicant are serious in nature as he has committed financial irregularities in performing his official duties causing huge loss to the public exchequer.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the works in question were carried out between the year 2004 to 2013 and the F.I.R has been lodged in the year 2021; that

the applicant claims to have cooperated during investigation and he is already stands retired and in case of his release, the applicant will not be in a position to influence the witnesses and tamper with the evidence and that several other co-accused persons have already been granted bail and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on anticipatory bail on the ground of parity.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-V.K Singh (Vinod Kumar Singh)** 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;

(Subhash Vidyarthi, J.)

Order Date :- 7.11.2023
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