Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13242 of 2023
Applicant :- Sri Prakash Yadav
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
Counsel for Applicant :- Purnendu Chakravarty
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 on bail in Case Crime No.13 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 23.03.2021 against 3 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 Junior Engineer during the relevant period and he has retired after attaining an age of superannuation on 30.04.2022.

5. It has further been stated that in the affidavit filed in support of the bail application that the applicant has been implicated in 7 more F.I.Rs. arising out of similar allegations. It has also been submitted by learned counsel for the applicant that the co-accused Amrendra Kumar Singh has already been granted bail by this court by means of an order dated 06.11.2023 passed in Criminal Misc. Bail Application No. 13091 of 2023.

6. The learned counsel for the applicant has further submitted that the applicant has already been enlarged on bail in Case Crime No. 06/2021 vide order dated 31.10.2023 passed by this court in Criminal Misc. Application No. 12793 of

2023.

7. The learned Additional Advocate General has vehemently opposed the 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.

8. 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 a co-accused person has 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 bail on the ground of parity.

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

10. Let the applicant- **Sri Prakash Yadav** 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 the 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 :- 7.11.2023
Preeti.

Digitally signed by :-
PREETI GAUTAM
High Court of Judicature at Allahabad,
Lucknow Bench