

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13295 of 2023

Applicant :- Ankit Kumar

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

Counsel for Applicant :- Satendra Singh Rana

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Satyendra Singh Rana, the learned counsel for the applicant as well as Sri Anurag Shukla, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking his release on bail in F.I.R. bearing Case Crime No.0350 of 2023, under Section 409 IPC registered at Police Station Sandila, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.08.2023 against the then Secretary/ Village Development Officer and the applicant who was the then Village Pradhan, stating that the accused persons had made payment of Rs.5,14,408/- without completion of work.

4. In the affidavit filed in support of the 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.

5. Learned counsel for the applicant has submitted that the work had been completed and thereafter interlocking tiles were removed by Public Works Department for carrying out some drainage work. He has further submitted that the inquiry in furtherance of which the FIR has been lodged was conducted without taking into consideration the applicant's version. It has also been submitted that the co-accused Deshraj Gaud has been granted anticipatory bail by this court by means of an order dated 28.10.2023, passed in Criminal Misc. Anticipatory Bail Application No.2396 of 2023.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR merely

mentions payment of amount for certain works without completion thereof in furtherance of enquiry conducted behind the back of the applicant; that the applicant has already been suspended and there appears to be no reasonable apprehension of his being able to tamper with the evidence and the applicant being a government servant, there appears to be no reasonable apprehension of applicant's absconding from the process of law; that the applicant has no previous criminal history and he is languishing in jail since 01.10.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

8. Let the **applicant-Ankit Kumar** 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 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 :- 8.11.2023

Ram.