

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2584 of 2023

Applicant :- Shafqat Husain

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

Counsel for Applicant :- Qazi Sabihur Rahman, Razaur
Rahman

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Qazi Sabihur Rahman, the learned counsel for the applicant, Sri Vinod Kumar Shahi, the learned Additional Advocate General assisted by Sri Anurag Verma, the AGA-I for the State and perused the records.
2. The instant application has been filed seeking anticipatory bail for the applicant in Case Crime No.11 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 6 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 four Anawasi Bhavans in District Jaunpur.
5. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, and he has falsely been implicated in the present case. Applicant's involvement in 8 other cases based on the same investigation report has been disclosed in the affidavit filed in support of the application. The applicant is 67 year's old and a cardiac patient.
6. The co-accused Ram Naresh Yadav @ R.N. Yadav and G.S. Dixit have been granted anticipatory bail by this court by means of an orders dated 04.10.2023 and 01.11.2023, passed in

7. The learned Additional Advocate General has vehemently opposed the anticipatory 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 pre arrest bail to the applicant.

8. 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 the applicant was posted as an Accountant in Varanasi Unit-2 of UPRNNL until 12.02.2013 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-Shafqat Husain** 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.

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(Subhash Vidyarthi,J.)

Order Date :- 9.11.2023

Ram.