

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2583 of 2023

Applicant :- Gaurav Pratap Singh

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

Counsel for Applicant :- Ali Hasan, Mohd. Suhail, Rajesh P.
Singh Baghel

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ali Hasan, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.

2. The applicant was granted interim anticipatory bail by means of the following order passed on 09.11.2023:-

"1. Heard the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.06 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., 66 and 66D of the Information Technology Act, registered at Police Station S.I.T., District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.04.2022 against four named persons, not including the applicant, and some unknown persons alleging that the accused persons are involved in fraudulent withdrawal of amounts from bank accounts of various government employees. The applicant is not named in the FIR and his name got surfaced during investigation as he is working as Junior Clerk in the office of Settlement Officer of Consolidation, Gorakhpur.

4. In the affidavit filed in support of the anticipatory 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. It has further been stated that the applicant had gone for recording of his statement by the Special Investigating Team but his statement was not recorded and thus he has fully cooperated in the investigation.

5. Per contra learned A.G.A. and learned counsel for the informant have vehemently opposed the applicant and they have submitted that the applicant is a part of the conspiracy hatched by a number of persons in which crores of rupees meant to be paid to various government employees, have been wrongly transferred and withdrawal.

6. Replying to the aforesaid submission, learned counsel for the applicant has submitted that whatever amount was transferred to the applicant's account, has been transferred to the account of Abhay Verma and Sarita Verma and the applicant has not received any benefit from commission of the aforesaid offence.

Learned counsel for the applicant has further submitted that in the enquiry report dated 09.09.2021 submitted by the Settlement Commissioner of Consolidation, it is recorded that illegalities were committed by another person, who was working as Accountant Clerk by preparing a digital signature. Applicant's complicity in commission of the offence has not come to light in the enquiry report.

7. The matter requires consideration.

8. Learned A.G.A. and learned counsel for the informant pray for and are granted two weeks' time to file counter affidavits.

9. Connect and list along with CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 397 of 2023.

10. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting interim anticipatory bail to the applicant.

11. In the event of arrest/ appearance of applicant-Gaurav Pratap Singh before the learned Trial Court in the aforesaid case crime, he shall be released on interim 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."

3. The State has filed a counter affidavit opposing the bail application but no new fact has come to light.

4. A rejoinder affidavit has been filed by the applicant stating that he has appeared before the Investigating Officer subsequent to grant of interim anticipatory bail to him and has got his statement recorded.

5. Learned counsel for the applicant states that the bail bonds have been furnished.

6. Having considered the aforesaid facts and circumstances of

the case, the interim order is made absolute and the application is ***allowed***.

Order Date :- 21.12.2023

Pradeep/-