

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2621 of 2023

Applicant :- Yagyanath Tripathi

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

Counsel for Applicant :- Meva Lal Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajesh Tiwari learned counsel for the applicant, and Sri Sanjay Srivastava, learned Addl. Government Advocate, and perused the record.

2. By means of the instant application the applicant Ram Singh seeks anticipatory bail in Case Crime No. 0302 of 2022, under sections 3/7, E.C. Act and section 409, I.P.C., P.S. Maharajganj, District Raebareli.

3. The aforesaid case has been registered on the basis of a first information report (F.I.R.) lodged on 26.09.2022 against five persons, including the applicant, in furtherance of an enquiry report stating that a shortage of food-grains was found in the go-down of the Block Maharajganj.

4. The FIR describes the applicant as go-down in-charge whereas it has been stated in the affidavit that the applicant was working as salesman and he has retired from the aforesaid post after attaining the age of superannuation, on 30.11.2022. It has further been stated that the applicant is innocent and he has falsely been implicated in the present case.

Co-accused persons Vinay Kumar and Ram Singh, who were working as Auditor and Godown incharge respectively have been granted anticipatory bail in the present case by means of orders dated 24.01.2023 and 13.07.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 170 of 2023 and 1565 of 2023 respectively.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was working as a salesman and he has already retired from the said post on 30.11.2022 and that the Godown Incharge and the Auditor have already been granted anticipatory bail, I am of the view that the applicant is also entitled to be granted anticipatory bail on the ground of parity.

9. Accordingly, anticipatory bail application stands allowed with a direction that in the event of arrest/ appearance of applicant before the learned Trial Court, he shall be released on anticipatory bail in the aforesaid case crime 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.

Order Date :- 9.11.2023

Pradeep/-