

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13642 of 2023

Applicant :- Shivraj Singh Sachan

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

Counsel for Applicant :- D.S. Pandey, Rajendra Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri D.S. Pandey, the learned counsel for the applicant, Sri Gyanendra Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 5/2023, under Section 12 of P.C. Act, Police Station Anti-corruption Kanpur Nagar, District Kanpur Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.10.2023 by an Inspector Anti-corruption against the applicant and one Anjali Yadav, Revenue Lekhpal, stating that on the basis of a complaint that the co-accused Lekhpal had demanded bribe, a trap was laid during which on the telephonic instructions of the co-accused Lekhpal, money was handed over by the complainant to the applicant at his photostat shop and after some time the co-accused lekhpal came at the shop and collected the money. The applicant has been charged for abetment of the offence under Prevention of Corruption Act.

4. In the affidavit filed in support of bail application it has been stated that the applicant is a 62 years old innocent person having no criminal history and he has been falsely implicated in the present case.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the FIR allegations, merely this much comes out that on the instructions of the co-accused Lekhpal, the complainant had handed over money to the applicant at his photostat shop and which was collected by the Lekhpal; that no demand of money was made

by the applicant and that from the allegations levelled in the FIR, prima facie the offence of abetment is not made out 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 case.

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

8. Let the applicant-***Shivraj Singh Sachan*** 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.

Order Date :- 22.11.2023

Pradeep/-