Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13630 of 2023

Applicant :- Vinod Kumar Srivastava
Opposite Party :- State Of U.P Thru Prin. Secy. Home Deptt. Sectt. Lko
Counsel for Applicant :- Anoop Vajpayee,Atul Kumar Yadav
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anoop Vajpayee, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0177 of 2021, under Section 409 I.P.C., registered at Police Station Bewana, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.12.2021 against seven persons, including the applicant, describing him as Assistant Project Manager stating that the State Government has sanctioned several construction works to be carried out in District Ambedkar Nagar by U.P. Projects Corporation Ltd., by means of an Government Order dated 08.04.2015. Upon inspection of the works carried out, it was found that some works had not been completed and the payment was drawn. At the relevant time, the applicant was working as Assistant Project Manager and thereafter he was promoted to the Project Manager and he retired on attaining the age of superannuation on 31.10.2019. The FIR has been lodged on 25.12.2021 i.e. after more than 2 years since the applicant retired.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. It has further been stated that the work could not be competed due to escalation in cost and non response by the Higher Authorities to several letters written by the applicant in this regard.

5. Applicant's involvement in 7 other cases of similar nature has been

disclosed in para 32 of the affidavit in one of which the applicant has been granted bail by means of the order dated 25.08.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.10449 of 2023.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the work in question was carried out for the year 2015, the applicant was promoted to the post of Project Manager in the year 2017, he retired on 31.10.2019 and the FIR has been lodged on 25.12.2021; that the applicant has already been granted bail in another case of similar nature; that the applicant is 64 years old retired person; that the applicant has no previous criminal history and he is languishing in jail since 28.04.2023 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.

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

9. Let the **applicant-Vinod Kumar Srivastava** be released on bail in aforementioned 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 :- 18.11.2023
prateek

Digitally signed by :-
PRATEEK ARORA
High Court of Judicature at Allahabad,
Lucknow Bench