

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13687 of 2023

Applicant :- Brijendra Kumar Shukla

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramakar Shukla, the learned counsel for the applicant, Sri Manish Kumar Pandey, the learned AGA-I 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. 830/2022, under Section 409 IPC, Police Station Kotwali Nagar, District Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.12.2022 against the applicant describing him as a conductor working on contract basis and one Akhand Pratap Singh describing him a driver appointed on contractual basis.
4. It is stated in the FIR that the accused persons made fake entries regarding running of bus in excess of its actual running and thus they shown excessive consumption of diesel, causing a loss of Rs. 3,26,405/- to Uttar Pradesh State Road Transport Corporation. The FIR states that the contractual service of the accused persons have been terminated.
5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
6. The learned counsel for the applicant has submitted that while working as a conductor on contractual basis, the applicant was not responsible for filling of diesel in the vehicle and this was the work of the driver. The only allegation against the applicant is that he has acted in connivance with the driver but there is no allegation that the applicant has made any wrong entries for drawing salary, which is based on the kilometers covered by the bus, in which the conductor was performing his duties.

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

8. Having considered the aforesaid facts and circumstances of the case 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.

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

10. Let the applicant-***Brijendra Kumar Shukla*** 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 :- 20.11.2023

Pradeep/-