

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13968 of 2023

Applicant :- Hira Lal

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

Counsel for Applicant :- Manoj Kumar Singh, Kunwar Prithvi Tomar, Saurabh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Manoj Kumar Singh, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I 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.174 of 2022, under Section 409 I.P.C., registered at Police Station Pachpedwa, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.06.2022 alleging that while working as Junior Engineer in Madhyanchal Vidyut Vitran Nigam Ltd. the applicant deposited Rs.21,66,260/- lessor than the amount actually collected by him and thus he embezzled the aforesaid amount.

4. 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.

5. The learned counsel for the applicant has submitted that on 2.07.2022 the office memorandum was issued stating that as against the recovery of Rs.2,43,38,137/- the applicant had merely deposited Rs.2,23,71,877/- during the period 01.10.2018 to 31.05.2022 and difference amount of Rs.21,66,260/- will be recovered from the dues payable to the applicant. It has further

been submitted that thereafter the applicant has deposited Rs.5,00,000/- in addition to the amount being deducted from his salary. In the affidavit filed in support of the application for bail it has been stated that the applicant has already been terminated from service.

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 it appears that the applicant was making endeavour to deposit the amount of difference; that the applicant has already been terminated from service and in case of his released he will not be in a position to influence the witnesses; that the applicant has no previous criminal history and he is languishing in jail since 01.10.2023 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-Hira Lal** 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 :- 28.11.2023
Ram.