

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2735 of 2023

Applicant :- Mahesh Kumar

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

Counsel for Applicant :- Saurabh Yadava, Divya, Hema
Singh, Kripa Shankar Yadav, Poonam Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Saurabh Yadav, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.450 of 2023, under Sections 420, 467, 468, 471, 406, 409, 120-B I.P.C., registered at Police Station Pura Kalandar, District Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.09.2023 against eight persons, including the applicant, alleging that Rs.4,13,321/- have been paid for construction of four cattle sheds and four hume pipes in village panchayat Manuddinpur. The applicant, who was working as Rojgar Sewak, had withdrew the money without construction of any cattle shed, in connivance with co-accused Satya Prakash, who is Computer Operator and co-accused Athar Siddiqui, who is an Accountant.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. Learned counsel for the applicant has submitted that the applicant has been described in the FIR as Rojgar Sewak whereas the duty and authority to verify the works is of the Programme Officer, who is the informant himself. He has further submitted that the applicant was neither authorized nor under obligation to verify the work whereas his duty was merely to verify attendance of the MANREGA workers.

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 without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-**Mahesh Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail 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 :- 29.11.2023

Renu/-