

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2818 of 2023

Applicant :- Nitin Patel @ Nitin Kumar

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

Counsel for Applicant :- Vijay Kumar Asthana, Rizwanul Haque Ansari, Santi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Kumar Asthana, the learned counsel for the applicant as well as Sri Puneet Kumar Yadav, learned State Counsel 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. 46 of 2023, under Sections 420, 468, 406, 506, 467, 471 I.P.C., registered at Police Station Pasgawan, District Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.20.2023 against the applicant and one Dugesh Shukla, alleging that the informant had paid Rs. 5 lakhs to the applicant for getting his two family members appointed as clerks in the Board of High School and Intermediate Education. However, they could not get employed. It is stated that when the informant demanded refund of Rs. 5 lakhs, he transferred Rs. 1,50,000/- in three installments during the year 2020-21 but the balance amount has not been refunded.
4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history.
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 averments made in the F.I.R. itself, it appears that the informant had attended to get persons employed by payment of

bribe and the F.I.R has been lodged when he failed in his endeavor; that the F.I.R does not make a mention of the date and manner of making payment; that as per the informant, Rs. 1,50,000/- was refunded in three installments during 2020-21 and the F.I.R lodged in the year 2023 appears to have been lodged being aggrieved by non refund of balance amount 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.

7. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Nitin Patel @ Nitin 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;

(Subhash Vidyarthi, J.)

Order Date :- 8.12.2023
Preeti.