

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2925 of 2023

Applicant :- Jaglal

Opposite Party :- Directorate Of Enforcement G.O.I. Represented By Assistant
Director Allahabad

Counsel for Applicant :- Shrikant Mishra

Counsel for Opposite Party :- Kuldeep Srivastava, Rohit Tripathi

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shrikant Mishra, the learned counsel for the applicant, Sri Rohit Tripathi, the learned counsel for the respondent-Directorate of Enforcement.

2. This second application has been filed by the applicant seeking anticipatory bail in Sessions Case No. 161 of 2023 (Assistant Director of Enforcement (PMLA) v. Dukhi Prasad and others), Complaint No. 02/2020, ECIR No. 03/ALSZO/2014, Police Station Directorate of Enforcement, under Sections 3/4 Prevention of Money Laundering Act, 2002, pending in the court of Special Judge, CBI, Court No. 6, Lucknow.

3. The Directorate of Enforcement has filed a complaint dated 27.08.2020 against four persons, including the applicant subsequent to registration of FIR No. RC0062014A0012 by the Central Bureau of Investigation on 21.02.2014 alleging commission of large scale financial bungling, gross irregularities and misappropriation of MGNREGA funds by the then Block Development Officer and other government officials, in connivance with some private supplier, in District Sant Kabir Nagar during the year 2007-2010.

4. The complaint states that the applicant's statement under Section 50 of PMLA was recorded on 04.07.2017 and 05.10.2018, wherein he stated that he had worked as Village Development Officer between September, 2006 to June, 2017.

5. Presently, the applicant is aged about 61 years and he has retired from service..

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that works in question were carried out during the period 2007 to 2010; that the applicant has already retired from service; that two co-accused persons have already been granted anticipatory bail 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 applicant is **allowed**. In the event of arrest/ appearance of **applicant-Jaglal** 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 :- 18.12.2023
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