

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL

APPLICATION U/S 438 CR.P.C. No. - 2896 of 2023

Applicant :- Syed Mohammad Muhid Alam

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

Counsel for Applicant :- Saima Khan,Pratibha Agnihotri

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Saima Khan, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, learned A.G.A. 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. 132 of 2017, under Sections 406, 420, 506 I.P.C. and Section 7/13 (1)(d) of Prevention of Corruption Act, registered at Police Station Aashiyana, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.03.2017 against four persons including the applicant, stating that the co-accused Imran Alam, who is the applicant's brother and who claimed himself to be a journalist, had offered the informant to get his son employed with the help of the applicant, who was working as an accountant in District Jail, Bahraich. The informant alleged that he had paid Rs. 2 lakhs for securing employment for his son but neither he was employed nor was the money 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. After investigation, the police has submitted a charge-sheet against all the accused persons on 06.05.2022 and the applicant was not arrested during investigation.

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 from the allegations levelled in the F.I.R it appears that it was the informant himself who tried to secure public employment for his son by payment of bribe and he has lodged the F.I.R after having being failed in this endeavor; that the applicant was not arrested during investigation and he cooperated with the investigation, after which a charge sheet has already been submitted, coupled with the fact that the applicant is presently 63 years of age and he has already retired from government service also 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- **Syed Mohammad Muhid Alam** 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 :- 15.12.2023

Preeti.