

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION
U/S 438 CR.P.C. No. - 2877 of 2023

Applicant :- Pradeep Kumar Pandey @ Pradeep Pandey

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

Counsel for Applicant :- Pradeep Kumar Mishra, Parmatma Prasad
Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pradeep Kumar Mishra, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, 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. 601 of 2023, under Sections 409, 420 I.P.C., registered at Police Station Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.10.2023 against two persons, including the applicant, stating that the accused persons used to work in Suvidha Microfin, which is a registered Micro Finance Institution and they embezzled Rs. 10,85,000/- of the company.
4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent and he has falsely been implicated in the present case.
5. The informant had removed the applicant from the service in the month of March, 2022 without giving salary.
6. The learned counsel for the applicant has submitted that at the time of his appointment, the informant had taken a blank cheque from the applicant as security and when he demanded return of the cheque after

his removal from service, the same was declined. The applicant has filed a compliant case no. 119364 of 2022 in this regard in the court of A.C.J.M, Court No. 3, Lucknow, which is pending. Thereafter, the complainant has fraudulently filled up the amount of Rs. 1,50,000/- in the cheque, presented the same to bank, and filed a complaint No. 1423 of 2022 in the court of Civil Judge (Senior Division) F.T.C., Gautam Buddh Nagar, under Section 138 of the Negotiable Instrument Act.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R has been lodged on 10.10.2023, without disclosing the date of removal of the applicant from service, which is March, 2022; that the applicant has already filed a complaint against the informant regarding apprehended misuse of the blank cheque given by him towards security, which apprehension turned out to be true as the complainant has filed an application under Section 138 of the Negotiable Instrument Act against the applicant and that the applicant has no previous criminal history, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Pradeep Kumar Pandey @ Pradeep Pandey** 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 :- 14.12.2023

Preeti.