

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2953 of 2023

Applicant :- Umesh Kumar Pandey

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

Counsel for Applicant :- Dr.Surendra Singh Chauhan,Anil
Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Dr. Surendra Singh Chauhan, the learned counsel for the applicant as well as Sri Arpit Kumar, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. By means of this application the applicant is seeking anticipatory bail.

3. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.556 of 2013, under Sections 120B, 193, 201, 409 I.P.C., & Section 7 & 13 of the Prevention of Corruption Act,1988 registered at Police Station Mitauli District- Lakhimpur Kheri.

4. Previously the applicant had been granted bail in the present case for offense under Section 419, 420, 467 and 471 IPC. After investigation the Investigating Officer added offenses under Section 120B, 193, 201, 409 I.P.C., & Section 7 & 13 of the Prevention of Corruption Act,1988 and this application is filed seeking anticipatory bail in added sections.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR was lodged on 09.09.2013 and the applicant has already been granted bail in the present case on 13.11.2013; some sections have been added by the Investigating Officer after a period of more than a decade, on the same set of allegations, I am of the view that the applicant is entitled to be granted anticipatory bail in the added sections also.

6. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Umesh Kumar 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.

8. In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this order.

Order Date :- 19.12.2023

Vipul