

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2873 of 2023

Applicant :- Pravesh Kumar

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt.
Home Civil Sectr. Lko.

Counsel for Applicant :- Ashok Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashok Kumar Mishra, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, the learned Additional Government Advocate 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. 711 of 2022, under Sections 406,409,419,420 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.7.2022 against six named accused persons, including the applicant, and other unnamed employees of Jawahar Lal Nehru Memorial, Post Graduate College, Barabanki stating that the informant was working as Principal of the aforesaid college and previously, the co-accused Dr. Ramshankar Yadav was working on the aforesaid post and he had authorized the applicant to collect fee from the students in cash whereas it ought to be deposited through online method and thus, the embezzlement was committed by the accused persons.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. The applicant is working on Class IV post in the said college on contractual basis. The applicant has no authority to collect fee from the students. The co-accused Dr. Ramshankar Yadav has already been granted anticipatory bail by means of an order dated 7.11.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application U/s 438 CrPC No. 2510 of 2023.

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 the applicant has no criminal history 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- **Pravesh 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;

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 :- 14.12.2023

Shravan