

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2933 of 2023

Applicant :- Shiv Ruchi Mishra

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

Counsel for Applicant :- Khushbu Tripathi, Gaurav
Nigam, Rubi Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Khushbu Tripathi, Gaurav Nigam and Rubi Tripathi, the learned counsel for the applicant as well as the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed seeking anticipatory bail for the applicant in Case Crime No. 14 of 2019, under Sections 409, 120-B IPC, Police Station SIT, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged by an Inspector of Police against 12 named persons, including the applicant in furtherance of a report submitted by Special Investigating Team alleging administrative and financial irregularities committed in 137 construction works.
4. It has been contended that the allegation against the applicant is of having committed irregularities in construction of different project works in Varanasi Zone while being posted as Junior Engineer.
5. 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. The applicant's involvement in 7 other cases based on the same

investigation report has been disclosed in para 43 of the affidavit filed in support of the application.

6. In Case Crime No. 15/2021, 16/2021, 11/2019, 14/2021, 08/2021, 06/2021, the applicant has been granted anticipatory bail by means of an order dated 03.11.2023, 23.11.2023, 24.11.2023, 07.12.2023, 13.12.2023, 16.12.2023 passed by this Court in Criminal Misc. Anticipatory Bail Nos. 2486 of 2023, 2681 of 2023, 2699 of 2023, 2810 of 2023, 2854 of 2023, 2899 of 2023 respectively.

7. It has also been submitted that the co-accused Hira Lal Ram, has already been granted anticipatory bail by means of orders dated 19.10.2023 passed by this Court in Criminal Misc. Anticipatory Bail Applications No. 2358 of 2023.

8. The learned Additional Advocate General has vehemently opposed the anticipatory bail application and he has submitted that the F.I.R indicates commission of offence by various persons in construction of various works, causing huge wrongful loss to the public exchequer and the aforesaid facts do not warrant discretion of this court by granting pre arrest bail to the applicant.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that works in question were carried out during 2003-04 to 2012-13; FIR has been lodged in the year 2019; that presently the applicant has attained the age of 54 years and he has cooperated during investigation; that one co-accused person has 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.

10. In view of the above, the anticipatory bail application of the

applicant is **allowed**. In the event of arrest/ appearance of applicant- **Shiv Ruchi Mishra** 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 :- 19.12.2023

Preeti.