

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15298 of 2023

Applicant :- Ved Prakash

Opposite Party :- Union Of India Thru. Superintendent Of Police Cbi Lko.

Counsel for Applicant :- Vinay Kumar Singh

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vinay Kumar Singh, the learned counsel for the applicant, Sri Dharmendra Pratap Singh, Advocate holding brief of Sri Anurag Kumar Singh, the learned counsel for the respondent and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in FIR/Case Crime No.RC0062023A0026, under Section 7 of Prevention of Corruption Act, 1988 as amended in 2018, registered at Police Station CBI/ACB, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.11.2023 alleging demand of Rs.25,000/- as bribe for allotting work of installation of OLT machines made by the applicant, who was posted as Divisional Engineer BSNL and acceptance of Rs.20,000/- by him.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. A copy of counter affidavit filed by the CBI before the Special Judge has been annexed with the affidavit, wherein the C.B.I. has stated that the complainant had kept Rs.20,000/- in the table drawer of the applicant however there is no mention of any

demand having been made by the applicant and same having been witnessed by any independent person. Moreover, the money was recovered from the drawer and prima facie it does not appear that it was accepted by the applicant.

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 previous criminal history and he is languishing in jail since 06.11.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant-Ved Prakash** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 22.12.2023
Ram.