

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13278 of 2024

Applicant :- Arun Kumar Mishra

Opposite Party :- Central Bureau Of Investigation Anti Corruption Lko

Counsel for Applicant :- Purnendu Chakravarty, Shivanshu Goswami

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Purnendu Chakravarty assisted by Ms. Aishwarya Saxena, learned counsel for the applicant and Sri Akhilendra Singh, holding brief of Sri Anurag Kumar Singh, learned counsel for the CBI.

2. As per learned counsel for the applicant, the present applicant is in jail since 15.11.2024 in FIR No.RC0062024A0030, under Section 7 of Prevention of Corruption Act, 1988, Police Station – CBI/ACB, Lucknow, District – Lucknow.

3. Learned counsel for the applicant has submitted that the present applicant has been falsely implicated in the case as he has not committed any offence as alleged. Sri Chakravarty has submitted that the present applicant is serving as Senior Section Engineer in the Indian Railways, Gonda. There is no material or evidence with the prosecution to suggest that the present applicant demanded bribe or accepted the same or the amount of bribe has been recovered from his possession. As a matter of fact, the alleged recovery took place from one blue colour bag near the chair of the present applicant consisting some money, however, said bag does not belong to the present applicant. Investigation is going on and for the offence under which the FIR has been lodged, the punishment is upto seven years. Further, hand wash exercise has not been carried out. The entire service record of the present applicant has remained unblemished as no complaint of any kind whatsoever has been filed against him and he is having no prior criminal history. Further, the applicant undertakes that if he is released on bail, he shall not misuse the liberty of bail and shall abide by all terms and conditions of the bail order and shall cooperate in the investigation and if charge sheet is filed against him, he shall cooperate in the trial proceedings.

4. Learned counsel for the CBI has, however, opposed the prayer for bail but he could not dispute the aforesaid submissions of learned counsel for the applicant.

5. Without entering into merits of the issue; considering the arguments of learned counsel for the parties; contents and allegations of the FIR; the fact that no hand wash exercise has been carried out; the alleged recovery took place from one blue colour bag near the chair of the present applicant consisting some money; for the offence under which the FIR has been lodged, the punishment is upto seven years and undertaking of the applicant that he shall cooperate in the investigation and shall not misuse the liberty of bail, I find it appropriate to release the applicant on bail.

6. Accordingly, the bail application is **allowed**.

7. Let applicant- Arun Kumar Mishra be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of the B.N.S., 2023.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 of the B.N.S.S., 2023 is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 208 of the B.N.S., 2023.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of the B.N.S.S., 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The applicant shall not leave India without previous permission of the court.

[Rajesh Singh Chauhan,J.]

Order Date :- 20.12.2024
RBS/-