Court No. - 2

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 8941 of 2020

Applicant :- Prem Chand Verma
Opposite Party :- State of U.P.
Counsel for Applicant :- K.K.Rao,Pradeep Kumar Srinette
Counsel for Opposite Party :- G.A.

Hon'ble Suneet Kumar,J.

Heard learned counsel for the applicant, as well as, learned AGA for the State and perused the material placed on record.

This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No. 80 of 2006 under Section 409, 467, 468, 471, 120B IPC & Section 13(1)(c) read with Section 13(2) of Prevention of Corruption Act, 1988, P.S. Kotwali Jarawa, District Balrampur, during the pendency of investigation.

As per prosecution case, the matter pertains to 1995-96 and 1996-97, it is alleged that while the applicant was posted as Bhumi Shanrakshan Adhikari, some drain was to be constructed; upon enquiry it was found that the drain is not existing; Rs. 62,382/- was misutilized on manufactured bill.

It is urged by learned counsel for the applicant that the FIR is of 2006, applicant retired on 31.07.2014. The accused-applicant has been falsely implicated; he has no criminal history; it is not a case of custodial interrogation. If he is released on bail, he would not misuse the liberty of bail and would cooperate with the investigation.

I have perused the prosecution story as set up in the F.I.R. and also the anticipatory bail rejection order.

Learned AGA has opposed the prayer for anticipatory bail of the applicant.

Keeping in view the reasons as stated above, the facts and circumstances of the case as have been discussed at the Bar of this Court, without expressing any opinion on the merits of the case, considering the nature of accusation, the applicant is entitled to be released on anticipatory bail in this case.

This bail application, accordingly, stands allowed.

In the event of arrest of the applicant, Prem Chand Verma, involved in the

aforesaid case, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the applicant will join and participate in each and every aspect of "Investigation" and will lend full assistance to the Investigating Agency even with regard to "discovery of fact" if and when required so by the Investigating Agency or the concerned court;
(ii) the applicant shall make himself available for interrogation by a police officer as and when required;
(iii) 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 office;
(iv) the applicant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the S.S.P./S.P. Concerned. In default or misuse of any of the conditions, the Public Prosecutor/Investigating Officer/first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.
(v) The party shall file computer generated copy of this order downloaded from the official website of High Court Allahabad.
(vi) The computer generated copy of the order shall be self attested by the counsel of the party concerned.
(vii) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.
In view of the extraordinary situation prevailing in the State due to Covid-19, the directions of this Court dated 6.4.2020 passed in Public Interest Litigation No. 564 of 2020 (In re vs. State of U.P.), shall also be complied.
The order reads thus:
"Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertakes to furnish required sureties within a period of one month from the date of his/her actual release."
Order Date :- 9.12.2020

P. Sri.