

**Court No. - 16**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 2743 of 2023

**Applicant :-** Sanjay Singh @ Sanjay Kumar Singh

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Lko.

**Counsel for Applicant :-** Mohit Nigam

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Mohit Nigam, the learned counsel for the applicant as well as Sri Vinod Kumar Shahi, the learned Additional Advocate General assisted by Sri Anurag Verma, 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 2021, 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 17 named persons, including the applicant, and some unnamed builders and contractors etc., in furtherance of a report submitted by Special Investigating Team alleging administrative and financial irregularities committed in 137 construction works.

4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case. 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 Assistant Resident 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 six other cases based on the same investigation report has been disclosed in para 18 of the affidavit filed in support of the application.

6. The learned counsel for the applicant has submitted that ten other co-accused persons have already been granted anticipatory bail in the present case and copies of three such

orders have been annexed as Annexure No. 2 to the affidavit filed in support of the application.

7. 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.

8. 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 2021; that presently the applicant has attained the age of 59 years and he has cooperated during investigation; that 10 other co-accused persons have already been granted 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.

9. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Sanjay Singh @ Sanjay Kumar Singh*** 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.

**Order Date :- 30.11.2023**

Pradeep/-