

# Hira Lal Ram vs State Of U.P. And Another on 28 February, 2025

**Author: Sanjay Kumar Singh**

**Bench: Sanjay Kumar Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:28652

Court No. - 64

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1439 of 2025

Applicant :- Hira Lal Ram

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shashank Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate representing the State of U.P. and perused the record.
2. This Criminal Misc. Anticipatory Bail Application has been moved by the applicant before this court seeking Anticipatory Bail in Case Crime No. 467 of 2017, under Sections 409, 477-A, 120-B I.P.C. and Section 13(2) of Prevention of Corruption Act, Police Station Gahmar (E.O.W.), District Ghazipur, during the pendency of the trial.
3. Brief facts of the case, which are required to be stated are that several schemes were approved by the government for the development of tourism and beautification of district-Ghazipur and U.P.R.N.N.L. was allocated fund for different schemes under administrative and financial sanction, which are as under:-

i-By letter No. 411/41-2013-14 Yo/13 dated 31.03.2013 of government, administrative sanction of Rs. 188.72 lakhs and financial sanction of Rs. 37.75 lakhs were granted.

ii-By letter No. 315/41-2013-14 02 Yo/13 dated 31.03.2013 of government, administrative sanction of Rs. 316.88 lakhs and financial sanction of Rs. 63.88 lakhs were granted.

iii-By letter No. 512/41-2013-17 Yo/13 dated 31.03.2013 of government, administrative and financial sanction of Rs. 156.39 lakhs were granted.

iv-By letter No. 10/636/41-2014-38 Yo/13 dated 04.03.2014 of government, administrative sanction of Rs. 155.09 lakhs and financial sanction of Rs. 50 lakhs were granted.

Verification / evaluation of the work done by the U.P.R.N.N.L. was done by the committee constituted for the said purpose and several irregularities were found. Work was also not done as per norms and directions of the government. Thereafter, Director General, Tourism, U.P. Lucknow vide order dated 21.08.2017 directed the Managing Director, U.P.R.N.N.L. to get the recovery amount of Rs. 699.48 lakhs deposited within fifteen days but said amount was not deposited. Thereafter, the State Government on account of huge financial loss of Rs. 699.48 lakhs directed to lodge F.I.R. against the erring officials and other concerned persons. Accordingly, Joint Director, Tourism, Varanasi lodged an F.I.R. on 12.09.2017 against 23 persons.

4. Learned counsel for the applicant argued that applicant is not named in the F.I.R., which has been lodged after five years. The applicant, who was Junior Engineer in U.P.R.N.N.L. Unit-II, Varanasi, has been retired from his service. He has been falsely implicated in this case. The complicity of the applicant came into the light at the belated stage. The applicant was non-technical staff and he had no knowledge about the construction work. The Junior Engineer had prepared the bill after verifying the construction work, which was also verified by the Project Manager, thereafter, the applicant had issued the cheque. Since, no payment was directly made by the applicant to the suppliers and contractors, therefore, he cannot be said to be liable in any manner. It is also submitted that investigating officer has not conducted fair investigation and illegally submitted charge sheet against the applicant. Other co-accused, namely, Lalsa Singh, Shailendra Shekhar Singh, Abhishek Singh, Akhilesh Kumar Singh and Raju Kumar Chaurasia have been granted anticipatory bail vide orders of this Court dated 18.11.2022, 07.12.2022, 10.08.2023 and 18.10.2023 in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. Nos. 10833 of 2022, 12099 of 2022, 8545 of 2023 and 9985 of 2023 respectively. The applicant was granted anticipatory bail vide order of this Court dated 19.03.2024 in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. 14229 of 2023 till submission of police report/charge-sheet, which was not misused, hence he is entitled for anticipatory bail after submission of charge sheet also.

5. Per contra, learned Additional Government Advocate representing the State of U.P. opposed the prayer for anticipatory bail to the applicant by contending that during investigation, at the time of

granting anticipatory bail it was the stand of the applicant that he, at the relevant point of time, posted as Junior Engineer in U.P.R.N.N.L., Ghazipur and for advance payment of the project in question, he had prepared only an estimate / bill on 05.02.2016 and he was only forwarding authority. On the said stand of the applicant, this Court vide order dated 01.03.2024 had granted time to the State to file counter affidavit within two week's but no counter affidavit was filed by the State authorities, therefore, interim anticipatory bail order dated 01.03.2024 was made absolute till the submission of police report under Section 173(2) Cr.P.C. vide order dated 19.03.2024. In fact, during investigation, it was found that applicant had issued cheques to the suppliers and contractors in collusion with other concerned persons without completion of work. Investigating officer after due investigation submitted charge sheet dated 27.09.2024 in this case on the basis of cogent material against the applicant, therefore, as on date, cognizable offence is made out against the applicant and it cannot be presumed that he has been falsely implicated.

6. Having heard learned counsel for the parties, I find that charge sheet dated 27.09.2024 has been submitted against accused Pratap Singh, applicant- Hira Lal Ram and Amrendra Kumar Singh for the offence under Sections 409, 477-A, 120-B I.P.C. and Section 13(2) of Prevention of Corruption Act. Co-accused Pratap Singh has been granted regular bail under Section 439 Cr.P.C. vide order of this Court dated 02.05.2024 in Criminal Misc. Bail Application No. 12688 of 2024. Other persons, namely, Lalsa Singh, Shailendra Shekhar Singh, Abhishek Singh, Akhilesh Kumar Singh and Raju Kumar Chaurasia have not been charge-sheeted for the offence under Section 13(2) of Prevention of Corruption Act and their cases stand on different footing and are distinguishable from the case of the applicant. This Court is of the view that each case turns on its own facts and circumstances. Even a little difference between the facts of two cases, may alter the entire aspect.

7. Upon perusal of material brought on record, considering that it is a case of financial embezzlement of huge amount adopting different modus operandi as well as complicity of accused-applicant and also judgment of Hon'ble the Apex Court in the case of P. Chidambaram Vs. Directorate of Enforcement, AIR 2019 SC 4198, this Court does not find any exceptional ground to exercise its discretionary jurisdiction under Section 438 Cr.P.C. in favour of the applicant.

8. Accordingly, the instant application for anticipatory bail is rejected.

9. However considering the prayer made by learned counsel for the applicant at this stage, it is directed that in case the applicant surrenders before the concerned court below within two weeks from today and applies for bail, the bail application of the applicant shall be disposed of expeditiously by the court below in accordance with law and keeping in view the guidelines as laid down by Hon'ble the Apex Court in the case of Satender Kumar Antil vs. Central Bureau of Investigation and another, 2021 SCC Online SC 922.

10. It is clarified that anything said in this order at this stage is limited for the purpose of determination of this anticipatory bail application and will in no way be construed as an expression on the merits of the case. Learned trial Court concerned shall be absolutely free to arrive at its independent conclusions according to law on the basis of materials / evidences on record.

Order Date :- 28.2.2025 Kashifa