

Tarkeshwar Nath Singh vs State Of Up And 2 Others on 31 January, 2025

Author: Samit Gopal

Bench: Samit Gopal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14500

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18398 of 2024

Applicant :- Tarkeshwar Nath Singh

Opposite Party :- State Of Up And 2 Others

Counsel for Applicant :- Sr. Advocate,Vikas Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Sageer Ahmad, learned Senior Advocate assisted by Sri Vikas Tripathi, learned counsel for the applicant, Sri Birendra Pratap Singh, learned counsel for the State and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Tarkeshwar Nath Singh, seeking enlargement on bail during trial in connection with Case Crime No. 09 of 2024, under Sections 7, 12, 13 (1) (b) read with Section 13(2) of Prevention of

Corruption Act (Amended Prevention of Corruption Act, 2018), Police Station- Anti Corruption, District Varanasi.

4. The prosecution case, as per the complaint given by the original complainant is that he is involved in the work of construction through his company named Anand Construction. He has completed various projects of Nagar Palika, Jaunpur, for which, his bills from June, 2022 to January, 2023 for about Rs.50,00,000/- are pending, for which, he contacted Pawan Kumar, The Executive Engineer, Nagar Palika Parishad, Jaunpur on 03.04.2024 and inquired about the payment for the same, on which, he was told that Rs.10,00,000/- will be paid to him, for which, he has to give a commission at the rate of 16.5% being Rs.1,65,000/- to Tarkeshwar Nath Singh @ T.N. Singh, the Accountant (the applicant) after which, money will be sanctioned and would come in his account. He then met the Accountant, who also told him about the same and said that when he gives the money, his bill would be processed and given to the E.O. for payment. On being helpless, he arranged the money and the Accountant told him to inform him about it, on which, he would tell him the date, time & place to come and give it to him. The complainant states that he does not want to give bribe money and wants the accused persons to be arrested while taking the bribe money. On his complaint, the pre-trap proceedings were initiated. The Accountant told him to meet on 05.04.2024. On 05.04.2024, he went to meet the Accountant and he was followed by the members of the trap team. Two independent witnesses were directed to be witnesses under the orders of the District Magistrate concerned. On 05.04.2024 at the given place accused, Tarkeshwar Nath Singh @ T.N. Singh, the Accountant told the original complainant to handover the money to Sani Valmiki, who was also standing there, on which, Rs.1,65,000/- was given to him, after which, the trap team laid the trap and arrested him with the said money and required formalities were done and then recovery memo & arrest memo were prepared and present first information report was lodged on 05.04.2024 at 20:09 hours at Police Station- Line Bazar, District- Jaunpur by Neeraj Kumar Singh, the Trap Team In-Charge against accused persons, namely, Tarkeshwar Nath Singh (Accountant), Sani Valmiki (Class-IV Employee) & Pawan Kumar (E.O.).

5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that at the time of the alleged incident although the applicant was the Clerk in the concerned office but was holding the post of Accountant also. It is argued that there is no recovery of any alleged bribe money from the applicant. The recovery of bribe money is from co-accused Sani Valmiki, as such looking to the prosecution case itself, it is apparent that although there is an allegation of demand of bribe money by the applicant but there is no acceptance by him and as such the applicant is liable to be given benefit of the judgement of the Apex Court in the case of Neeraj Dutta Vs. State (Govt. of N.C.T. of Delhi) 2023 (4) SCC 731. It is further argued that the complainant had given an application to the District Magistrate on 23.3.2024 for payment of his balance amount on which the Executive Officer concerned gave a report that there is no money available and once the money is available with them, the payment shall be done. It is submitted that the case at best is a case of demand but there is no acceptance of the demand money. The grievance of the original complainant also stood decided vide order dated 7.4.2024 of the Executive Engineer and as such there was no occasion for pursuing the matter any further. It has also been pointed out that the applicant is not having any criminal history and is in jail since 6.4.2024.

6. Per contra learned counsel for the State vehemently opposed the prayer for bail and argued that the present case is a case in which Rs.1,65,000/- has been recovered from co-accused Sani Valmiki. It is argued that bail application of co-accused Sani Valmiki has been rejected by this Court vide order dated 19.6.2024 in Criminal Misc. Bail Application No.18360 of 2024 (Sani Valmiki Vs. State of U.P. and another). It is submitted that the applicant was posted as an Accountant in the concerned department and was at such a post which was responsible for processing the payment of original complainant. The report duly signed of the Executive Engineer on 7.4.2024 was prepared by the Accountant on 3.4.2024 which would go to show that the money of the original complainant was not paid to him. It is submitted that the applicant has actively participated in the matter and he was the person demanding the money and the person who decided the date, time and place where the bribe money was to be given and at the said place he directed the original complainant to give the money to co-accused Sani Valmiki who was standing there along with him and thus under his directions, money was given to co-accused Sani Valmiki who was arrested along with the applicant. It is submitted that the applicant is named in the FIR and there are allegations against him. It is further submitted that the present matter is such in which there are chances of the applicant tempering with the evidence if he is released on bail. The bail application be thus rejected.

7. After hearing the counsel for the parties and perusing the record, it is evident that the applicant was the person who negotiated the entire transaction with the original complainant. He demanded the bribe money for work to be done for the original complainant. He then called him to a specific place where he directed the money to be given to Sani Valmiki. He was also arrested from the place along with co-accused Sani Valmiki. It cannot be said that he has no concern whatsoever with the transaction of the original complainant. The recovery of money of bribe is a huge amount. The corruption by a Government Servant is a serious offence. It needs to be curbed with strong hand.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is rejected.

(Samit Gopal, J.) Order Date :- 31.1.2025 Gaurav Kuls