

Raghvendra Prasad Ojha vs Central Bureau Of Investigation ... on 17 January, 2025

Author: Rajesh Singh Chauhan

Bench: Rajesh Singh Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:3313

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 456 of 2025

Applicant :- Raghvendra Prasad Ojha

Opposite Party :- Central Bureau Of Investigation (A.C.B.) Lko.

Counsel for Applicant :- Mool Chandra

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Gajendra Pratap Singh, Senior Advocate, assisted by Sri Mool Chandra, learned counsel for the applicant and Sri Anurag Kumar Singh, learned counsel for the C.B.I.

2. As per learned counsel for the applicant, the present applicant is in jail since 26.10.2024 in Case Crime No. RCo062024A0029, under Section 61(2) of Bhartiya Nyaya Sanhita, 2023 (in short "B.N.S.") read with Section 7 of Prevention of Corruption Act, 1988 (as amended in 2018), Police Station- CBI/ACB, Lucknow.

3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case as he has not committed any offence as alleged. It is stated that the applicant has not demanded the bribe and the amount of bribe has not been recovered from his possession. The prosecution is having no evidence to substantiate that the applicant was involved in alleged offence. Charge sheet has been filed against the applicant. The offence is triable by the Special Court. The maximum punishment is seven years. There is no previous criminal history of any kind whatsoever against the present applicant.

4. Learned counsel for the applicant has further stated that one co-accused namely Anil Kumar Shukta has been granted bail by this Court vide order dated 13.01.2025 passed in Criminal Misc. Bail Application No. 135 of 2025 (Anil Kumar Shukla Vs. Central Bureau of Investigation thru A.C.B., Lucknow). He stated that the present applicant is also entitled for bail on the ground of parity. Learned counsel has further stated that the applicant undertakes that he shall cooperate in the trial proceedings and shall not misuse the liberty of bail. Further, the applicant shall abide by all terms and conditions of the bail order, the applicant may be enlarged on bail.

5. Sri Anurag Kumar Singh, learned counsel for the C.B.I. has, however, opposed the prayer for bail but he could not dispute the aforesaid submissions of learned counsel for the applicant.

6. Therefore, without entering into merits of the issue, considering the arguments of learned counsel for the parties; contents and allegations of the FIR and the factco-accused namely Anil Kumar Shukta has already been granted bail by this Court; charge sheet has been filed against the applicant; the offence is triable by the Special Court; the maximum punishment is seven years; there is no previous criminal history of any kind whatsoever against the present applicant and the undertaking of the applicant that he shall cooperate in the trial proceedings and shall not misuse the liberty of bail, I find it appropriate to release the applicant on bail.

7. Accordingly, the bail application is allowed.

8. Let the applicant- Raghvendra Prasad Ojha 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 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. 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 174-A of the Indian Penal Code.

(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 313 Cr.P.C. 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 :- 17.1.2025 (Manoj K.)