

**Court No. - 87**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S  
438 CR.P.C. No. - 11017 of 2022

**Applicant :-** Kamla Devi

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

**Counsel for Applicant :-** Kamlesh Kumar Singh

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

**Hon'ble Dinesh Kumar Singh,J.**

The instant anticipatory bail application has been filed with a prayer to grant an anticipatory bail to the applicant Kamla Devi in Case Crime No. 170 of 2019 under Sections 7, 15 of Prevention of Corruption Act and Section 84C of Information Technology Act, Police Station-Obra, District-Sonbhadra.

As per the allegation in the FIR the accused-applicant is working as Mukhya Savika Ball Vikas Pariyojana, Rabartsganj, Sonbhadra.

It is said that the accused-applicant demanded Rs. 10,000/- as bribe amount from Smt. Renu Verma, Bal Vikas Pariyojana Adhimari, District Sonbhadra. It is further submitted that said conversation was recorded and in forensic examination of voice sample of the accused-applicant and the recorded conversation, the voice has got matched.

Considering the said allegation the FIR in question has been registered under Sections 7/15 of Prevention of Corruption Act, 1988 and Section 84-C of the Information Technology Act.

Learned counsel for the accused-applicant submits that except for this conversation, there is no other evidence to suggest that the accused-applicant has committed any offence. It is also submitted that the accused applicant is a government employee, and there is no chance for her to misuse the liberty or temper with the evidence or influence the outcome of the trial.

It is also submitted that there is no proof of acceptance or recovery of any bribe amount. From the charge-sheet it is not discernible that for what purpose the money was demanded by the accused applicant from the complainant. Charge-sheet has already been filed. During the course of investigation the accused applicant was not arrested.

Sri Ratnendu Kumar Singh, learned A.G.A. has opposed the bail application but considering the facts and circumstances of the case, particularly the fact the accused-applicant was not arrested during the course of investigation and the charge has

already been filed, no purpose would be served by taking the accused applicant in custody. Therefore, it is provided that the accused-applicant shall be enlarged on bail on furnishing personal bond and two sureties to the satisfaction of the trial court.

The accused applicant is granted one week time to submit personal bond and two sureties to the satisfaction of the trial court concerned. The trial court may put any other condition which it deem fit and proper for disposal of the case. The accused appellant shall be admitted on bail inter-alia on following conditions:-

- (i) The applicant shall make herself available for interrogation by the police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer;
- (iii) The applicant shall not leave India without the previous permission of the Court and if she has passport, the same shall be deposited by her before the S.S.P./S.P. concerned.
- (iv) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
- (v) 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.

**[Dinesh Kumar Singh, J.]**

**Order Date :- 6.1.2023**

Kumar Manish.