A.F.R.

Reserved on 01.09.2022

Delivered on 12.09.2022

Court No. -79

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36197 of 2021

Applicant :- Anil Kumar Nanda

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajiv Lochan Shukla, Arya Suman Pandey, Mrityunjay Dwivedi, Sufia Saba

Counsel for Opposite Party :-G.A., Ashok Kumar Lal, Kundan Rai, Uday Pratap Singh

Hon'ble Subhash Vidyarthi J.

1. Heard Ms. Sufia Saba, Mr. Rajiv Lochan Shukla and Mr. Mrityunjay Dwivedi, Advocates, the learned counsel for the applicant, Mr. D.K. Srivastava, Advocate, the learned A.G.A. for the State, Mr. Ashok Kumar Lal and Mr. Kundan Rai, Advocates, the learned counsel for the informant.

2. The present application has been filed by the applicant seeking his release on bail in Case Crime No. 146 of 2019 under Sections 409, 420, 467, 468, 471, 477 A, 204, 120 B of I.P.C. and Sections 66 C and 66 D of the Information Technology Act, Police Station Jawan, District Aligarh.

3. The aforesaid case has been registered on the basis of a first information report dated 07.05.2019 lodged by a Junior Branch Manager of Zila Sahkari Bank Private Limited Aligarh against eight named accused persons, including the applicant, alleging that a three member committee had made an enquiry and submitted a report dated 15.07.2019, as per which the accused persons had made an embezzlement of an amount of Rs. 11,83,35,436.27/-.

4. It has been stated in the affidavit filed in support of the bail application that the applicant is innocent and he has been falsely

implicated in the present case; that the applicant had been transferred from the concerned branch in September 2015 and the FIR has been lodged on 07.05.2019 after an inordinate delay whereas the bank's accounts are audited every year; that the FIR does not make any mention of the dates during which the alleged fraudulent transactions took place; that it has wrongly been mentioned in the enquiry report as also in the FIR that the amount of Rs. 11,83,35,000/- has been embezzled; that a committee constituted by the bank has re-examined the matter and had issued a report dated 24.02.2020 stating that the balance as on 30.08.2014 was Rs. 4.15 Crores only.

5. It has further been stated in the affidavit that during pendency of the criminal case, the bank has recovered a sum of Rs.2,18,00,000/- till 31.03.2019 from the members who had taken loans from the bank and, therefore, it cannot be said that the entire amount of loan was embezzled. The affidavit further states that the bank does not give any loan to the farmers directly. It has also been stated in the affidavit that the services of the applicant have already been terminated by means of a resolution dated 15-06-2020 passed by the Board of Directors of the Bank.

6. The affidavit further asserts that the applicant has not done any embezzlement or tampering of documents; that the applicant belongs to a respectable family; that he has clean antecedents and he was not arrested by the police, rather he had surrendered in the Court on 22.06.2021 and since then he is languishing in jail and a charge sheet has been submitted on 13.07.2021. The affidavit contains an undertaking that if the applicant is enlarged on bail, he will not abscond and he will not tamper with the evidence.

7. The informant-bank has filed a counter affidavit stating that the applicant was posted as the Branch Manager in Kasimpur Branch during the period 26-07-2006 to 07-09-2012 and 28-09-2012 to 06-09-2015, along with two cashiers Sanjay Kumar Maurya and Brijesh Awasthi, who have also been made accused in the present case. During this period, loans of Rs.9,52,04,742/- were disbursed to fake

persons. On 28.06.2018, a complaint was made to the Secretary / Chief Executive Officer of District Cooperative Bank, Aligarh that the applicant had caused a loss of Rupees 03 Crores to the bank by making forgeries in collusion with some employees of the bank and Cooperative Societies. Upon the aforesaid complaint, the Secretary / Chief Executive Officer of the bank had constituted a three member enquiry committee and on 27.02.2019, the three member committee submitted a report alleging embezzlement of an amount of Rs. 11,83,35,436.2 and that many of the farmers were not found to be residents of the villages mentioned in their respective applications and it appeared that the loans had been granted to fictitious persons.

8. Sri Rajiv Lochan Shukla, the learned counsel for the applicant has submitted that the applicant was transferred from the branch in question on 06.5.2015 and loans amounting to Rs. 4.57 Crores were disbursed during the period 2015 to 2019 and during the same period, an amount of Rs. 6.75 Crores was recovered by the bank, and the maximum share of the recovery amount belonged to old outstanding loans of Rs. 4.15 Crores. He has further submitted that the applicant has already been dismissed from service through a resolution passed by the Board of Directors in its meeting held on 15.06.2020. He has submitted that the bank does not grant any loan to any farmer directory. The loan accounts are maintained by primary Co-operative Societies and the particulars of the Societies are certified by the Secretary / Chief Executive Officer Society before the bank. In the present case also, the loan amounts had been disbursed to the individual farmers from the accounts of the societies, recovery of the loan amounts is also made through the primary Co-operative Societies and, therefore, the applicant, as the manager of the bank branch was not directly responsible either for disbursal or for recovery of the loans and the applicant cannot be held responsible for any irregularity committed by any of the Societies in disbursal / recovery of the loan amounts.

9. The learned counsel for the applicant has next submitted that the Branch Manager, who had taken over charge after transfer of the

applicant, did not find any irregularity during the period 2015 to 2019, although the bank's accounts were audited each year during this period.

10. The learned counsel for the applicant has submitted that a co-accused Rajendra Prasad Sharma (former CEO / primary Cooperative Societies) had been granted anticipatory bail by means of an order dated 19.12.2020 passed by this Court in Anticipatory Bail Application No. 8992 of 2020. He has submitted that none of the other co-accused persons have been arrested in the present case. The applicant had surrendered on 22.06.2021 and he is languishing in jail for the last about 15 months.

11. Shri Shukla has submitted that the offences alleged against the applicant are all triable by a Magistrate of First Class. Although, offence under Section 409 IPC carries a maximum punishment of imprisonment for life or imprisonment for ten years, as per Section 29 of Cr.P.C., a Magistrate of the First Class can impose a maximum punishment of three years imprisonment. Even a Chief Judicial Magistrate, to whom the matter can be referred by a Magistrate of the First Class under Section 325 Cr.P.C., cannot award a punishment exceeding imprisonment for seven years. The learned counsel for the applicant has submitted that in view of the aforesaid legal position and also keeping into consideration the facts that the applicant has already been dismissed from service and that he is languishing in jail for the past 15 months, the applicant is entitled to be released on bail.

12. Per Contra, Sri. Kundan Rai, the learned Counsel for the informant Bank has relied upon a decision of the Bombay high Court in the case of **Harshad Purushottam Mehta vs. The State of Maharashtra**, 2020 (2) AIR Bombay R Criminal 785, wherein the Bombay High Court has held that "the Magistrate is empowered to commit the case to the court of Sessions if he is of the opinion that the case "ought to be tried by it."

13. Replying to the aforesaid submission made by the learned counsel for the informant bank, Sri Rajiv Lochan Shukla has submitted that the

law regarding power of referral contained in Section 325 Cr.P.C. has been discussed by the Gujarat High Court in **Narendra Amratlal Dalal v. State of Gujarat**, 1977 SCC OnLine Guj 61 = 1978 Cri LJ 1193, and the relevant portion of the aforesaid judgment is being re-produced below: -

> *"6. The first question which arises for consideration is, is it open to a Judicial. Magistrate or a Metropolitan Magistrate, in a case where he feels that the accused ought to receive a punishment different in kind from, or more severe than, that which he is empowered to inflict, to commit the case straightway to the Court of Session under Sec. 323 instead of exercising his powers in that connection under S. 325? A bare reading of the two sections will show that Section 323 is general in nature, whereas Section 325 provides for specific category of cases. In case of a Magistrate, therefore, where he feels that the accused ought to receive a punishment different in kind or more severe than that which he can impose, his only course is to resort to Sec. 325. That being a specific provision must govern the case. This is a well-known rule of interpretation. But then, it may well be said, though it has not been argued before this Court, that the Magistrate may feel that the given case before him deserves punishment exceeding seven years, which the Chief Judicial Magistrate or, for the matter of that, the Chief Metropolitan Magistrate, cannot award. Therefore, in such a case, it may be said that the Magistrate or the Metropolitan Magistrate can exercise his powers to commit the case to the Court of Session under Sec. 323 of the Code. Of course, it must be re-emphasised that, in the present case, that contingency never arose, and still, the learned Magistrate committed the case to the Court of Session, without applying his mind to the provisions of Sec. 325 of the new Code. But this possible contention must also be dealt with by a process of interpretation, so that, there may not be any uncertainty left as to the scope of the powers of a Magistrate or a Metropolitan Magistrate who wants to act on the ground that the accused before him ought to receive a punishment different in kind from, or more severe than the one which he is competent to inflict. It is, at this stage, that we can refer to Section 29 of the Code, according to which a Magistrate of First Class or a Metropolitan Magistrate can award sentence, not exceeding three years, or fine not exceeding Rupees 5,000/-, or both. The approach that the Magistrate or Metropolitan Magistrate should adopt in such cases is, whether the accused before him ought to receive punishment of more than three years, or a fine of more than rupees five thousand. He is not required to consider whether the punishment called for in the case before him is seven years or more than seven years and, on that consideration, to send the case to the*

Chief Judicial Magistrate or Chief Metropolitan Magistrate in one case and to the Sessions Court in other. There is no indication of legislative intent giving such free play in the exercise of power to a Magistrate or Metropolitan Magistrate in a case which deserves sentence higher than the one he could inflict. In fact, Sub-sec. (1) of Sec. 325 itself gives an indication that the relevent factor for consideration is, whether the punishment which ought to be received by the accused in the case before him should be more severe than the punishment which he is competent to inflict. Therefore, this is the only criterion which he has to follow, without worrying himself on the question whether the punishment larger than that within the competence of the Chief Judicial Magistrate or Chief Metropolitan Magistrate is required to be inflicted. If this is the correct criterion which the Magistrate or Metropolitan Magistrate should consider in such a situation, it is obvious that ***he cannot commit the case to the Court of Session directly. He must hear the evidence for the prosecution and the accused, form an opinion that the accused is guilty, and then, also form an opinion that the accused should receive a punishment, different in kind, or more severe than that which he is competent to inflict Having formed and recorded those two opinions, he has to submit the proceedings to the Chief Judicial Magistrate or to the Chief Metropolitan Magistrate, as the case may be. to whom he is subordinate. Therefore, on a correct interpretation of the relevant provisions, no Magistrate can straightway commit a case to the Court of Session, under Sec. 323, on the ground that the punishment that the accused should receive ought to be different in kind and more severe than that which he is competent to inflict he has got to follow the procedure under Sec. 325 of the Code and there is no other alternative left for him in such a case. It follows as a necessary consequence that, after following the procedure under Sec. 325, if he comes to the opinion contemplated by sub-sec. (1) thereof, he has to submit the proceedings to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be."***

14. An offence may carry a maximum punishment beyond the powers of a Magistrate, yet the Magistrate has to proceed with the trial, record evidence, form an opinion that the accused is guilty and thereafter form an opinion that the accused should be given a punishment higher than that which he is empowered to inflict and it is only thereafter that he can submit the proceedings to the Chief Judicial Magistrate and the Magistrate cannot commit the proceedings directly to the Court of Sessions. Therefore, even though the offences under Sections 409,

420, 467, 468, 471 and 477 A I.P.C. may carry a punishment higher than the maximum punishment which a Magistrate is empowered to inflict, the offences would still remain triable by a Magistrate.

15. Hon'ble Supreme court in the case of **Satender Kumar Antil versus Central Bureau of Investigation**, 2022 Scc OnLine SC 825, reiterated that *"the jurisdictional Magistrate who otherwise has the jurisdiction to try a criminal case which provides for a maximum punishment of either life or death sentence, has got ample jurisdiction to consider the release on bail."*

16. Since the offences involved in the present case are all triable by a Magistrate, the Magistrate has power to grant bail to the accused in the present case.

17. Sri. Ashok Kumar Lal, the learned counsel for the informant has submitted that the present case involves allegations of grave economic offences and bail ought not to be granted in economic offences. He has relied upon the decision of Hon'ble Supreme Court in the Case of **Y. S. Jag Mohan Reddy vs. C.B.I.**, 2013 (7) SCC 439, wherein the Hon'ble Supreme Court has held as follows: -

> ***"34.*** *Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.*
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> ***35.*** *While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."*

18. In **Satender Kumar Antil v. CBI**, (2021) 10 SCC 773, the Hon'ble Supreme Court was pleased to lay down the following guidelines for considering the bail applications: -

"3.*..... The guidelines are as under:*

Categories/Types of Offences

A) Offences punishable with imprisonment of 7 years or less not falling in category B & D.

B) Offences punishable with death, imprisonment for life, or imprisonment for more than 7 years.

C) Offences punishable under Special Acts containing stringent provisions for bail like NDPS (S.37), PMLA (S.45), UAPA (S.43D(5), Companies Act, 212(6), etc.

D) Economic offences not covered by Special Acts.

REQUISITE CONDITIONS

1) Not arrested during investigation.

2) Cooperated throughout in the investigation including appearing before Investigating Officer whenever called.

(No need to forward such an accused along with the chargesheet (Siddharth v. State of UP, 2021 SCC OnLine SC 615)

CATEGORY A

After filing of chargesheet/complaint taking of cognizance

a) Ordinary summons at the 1st instance/including permitting appearance through Lawyer.

b) If such an accused does not appear despite service of summons, then Bailable Warrant for physical appearance may be issued.

c) NBW on failure to failure to appear despite issuance of Bailable Warrant.

d) NBW may be cancelled or converted into a Bailable Warrant/ Summons without insisting physical appearance of accused, if such an application is moved on behalf of the accused before execution of the NBW on an undertaking of the accused to appear physically on the next date/s of hearing.

e) Bail applications of such accused on appearance may be decided w/o the accused being taken in physical custody or by granting interim bail till the bail application is decided.

CATEGORY B/D

On appearance of the accused in Court pursuant to process issued bail application to be decided on merits.

CATEGORY C

Same as Category B & D with the additional condition of compli ance of the provisions of Bail under NDPS S.37, 45 PMLA, 212(6) Companies Act 43 d(5) of UAPA, POSCO etc."

Needless to say that the category A deals with both police cases and complaint cases.

The trial Courts and the High Courts will keep in mind the aforesaid guidelines while considering bail applications. The caveat which has been put by learned ASG is that where the accused have not co operated in the investigation nor appeared before the Investigating Officers, nor answered summons when the Court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is needed, the aforesaid approach cannot give them benefit, something we agree with."

19. Thus the economic offences do not form a class apart even in a case involving economic offences, the application for grant of bail has to be decided on its merits, in accordance with the settled principles. It has further been clarified in a subsequent order passed in the aforesaid case, which has been reported in **2022 Scc OnLine SC 825**, The relevant part of the aforesaid judgment is being reproduced below: -

> ***"66.*** *What is left for us now to discuss are the economic offences. The question for consideration is whether it should be treated as a class of its own or otherwise. This issue has already been dealt with by this Court in the case of P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791, after taking note of the earlier decisions governing the field. The gravity of the offence, the object of the Special Act, and the attending circumstances are a few of the factors to be taken note of, along with the period of sentence.* ***After all, an economic offence cannot be classified as such, as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the court to categorise all the offences into one group and deny bail on that basis.*** *Suffice it to state that law, as laid down in the following judgments, will govern the field:—*
>
> ***Precedents***
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> *P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791:*
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> *23. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that* ***the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.*** *However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society in cases of financial irregularities, it has been held that even economic offences would*

fall under the category of "grave offence" and in such circumstance while considering the application for bail in such matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. ***In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provide so.*** *Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial.*

Sanjay Chandra v. CBI, (2012) 1 SCC 40:

"39. Coming back to the facts of the present case, both the courts have refused the request for grant of bail on two grounds : the primary ground is that the offence alleged against the accused persons is very serious involving deep-rooted planning in which, huge financial loss is caused to the State exchequer; the secondary ground is that of the possibility of the accused persons tampering with the witnesses. In the present case, the charge is that of cheating and dishonestly inducing delivery of property and forgery for the purpose of cheating using as genuine a forged document. The punishment for the offence is imprisonment for a term which may extend to seven years. It is, no doubt, true that the nature of the charge may be relevant, but at the same time, the punishment to which the party may be liable, if convicted, also bears upon the issue. Therefore, in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration.

40. The grant or refusal to grant bail lies within the discretion of the court. The grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case. But at the same time, right to bail is not to be denied merely because of the sentiments of the community against the accused. The primary purposes of bail in a criminal case are to relieve the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the court, whether before or after conviction, to assure that he will submit to the jurisdiction of the

court and be in attendance thereon whenever his presence is required.

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46. ***We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation.*** *We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to ally the apprehension expressed by CBI."*

20. The learned Counsel for the Bank has relied upon the decision of the Hon'ble Supreme Court in the case of **State Bank of India versus Bela Bagchi**, (2005) 7 SCC 435, wherein it was held that "*A bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the bank."*

21. He has also relied upon **Union Bank of India v. Vishwa Mohan,** (1998) 4 SCC 310, wherein the Supreme Court observed that "*in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer. If this is not observed, the confidence of the public/depositors would be impaired."*

22. Both the aforesaid cases related to disciplinary action taken against the bank employees and the question of grant or refusal of bail was not adjudicated in the aforesaid cases. Therefore, these cases are not relevant for deciding the prayer for grant of bail to the applicant in the present case.

23. Sri. Lal has submitted that Criminal Miscellaneous Bail Application No. 12842 of 2022 filed by a co-accused Sanjay Kumar Maurya has been rejected by a co-ordinate Bench of this Court by means of an or-

der dated 26-08-2022. The bail rejection order dated 26-08-2022 reads thus: -

> *"After hearing the rival contentions, considering the material on record, this Court does not finds that applicant is involved in economic offence and has conducted himself in a manner which is unbecoming of a bank employee who holds public money in trust. No ground for enlarging the applicant on bail at this stage is made out."*

24. It is settled law that there cannot be any parity in rejecting an application for grant of bail. Moreover, from a bare reading of the aforesaid order, I do not find that the Court has recorded any reason for rejection of bail which can be applied in the present case also for rejecting the bail application.

25. In Sanjay Chandra v. CBI, (2012) 1 SCC 40, the Hon'ble Supreme Court has observed that:

> *"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.*
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> *22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.*
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> *23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of*

disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson."

26. In **Emperor v. H. L. Hutchinson** AIR 1931 All 356, this Court had held that an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

27. Analysing the facts of the present case in light of the legal position discussed above, I find that the following facts are relevant for considering the applicant's prayer for grant of bail: -

(i) The applicant has no criminal history;

(ii) The applicant was not arrested by the Police, rather he had surrendered in the Court on 22.06.2021

(iii) The applicant has already undergone more than 15 months' incarceration;

(iv) The offences alleged in the present case are all triable by a Magistrate;

(v) A charge sheet has already been submitted on 13.07.2021;

(vi) The applicant's services have already been terminated through a resolution dated 15-06-2020 and he is not in a position to tamper with the evidence.

(vii) The affidavit filed in support of the bail application contains an undertaking that if the applicant is enlarged on bail, he will not abscond and he will not tamper with the evidence.

(viii) No material has been placed by the informant Bank to doubt the aforesaid undertaking given in the affidavit and to show that there is any circumstance necessitating continuance of the applicant's incarceration without his guilt being established in trial and without his conviction.

28. Keeping in view the aforesaid facts, I am of the view that the applicant is entitled to be released on bail pending conclusion of the trial. The bail application is accordingly allowed.

29. Let the applicant – **Anil Kumar Nanda**, be released on bail in Case Crime No. 146 of 2019 under Sections 409, 420, 467, 468, 471, 477 A, 204, 120 B of I.P.C. and Sections 66 C and 66 D of the Information Technology Act, 2000, Police Station Jawan, District Aligarh, on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the dates fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make 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 to any police officer or tamper with the evidence.

30. In case of breach of any of the above condition, the prosecution shall be at liberty to move an application before this Court seeking cancellation of bail.

Order Date :- 12.09.2022

Ashish Pd.