Court No. - 10

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5585 of 2022

Applicant :- Sarvesh Kumar Yadav
Opposite Party :- State Thru. Cbi, Acb
Counsel for Applicant :- Pranjal Krishna,Adil Aziz Khan,Dr. Pooja Singh
Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application under Section 439 Cr.P.C. has been filed by the applicant seeking bail in FIR No.RC0062022A0013 of 2022 under Section 7 of Prevention of Corruption Act, 1988, Police Station C.B.I./A.C.B., Lucknow.

3. The accused-applicant was working as Branch Manager in Union Bank of India Branch Chitara Mahmoodpur, District Azamgarh at the relevant time. One complainant, Anil Kumar applied for loan of Rs.10,00,000/- in Prime Minister's Rojgar Guarantee Scheme (PMEGP) with the Bank. The accused-applicant demanded Rs.1,00,000/- as bribe for sanctioning the said loan amount of Rs.10,00,000/- in favour of Anil Kumar. The matter was reported to the C.B.I. A trap team was constituted, and the accused-applicant was caught read handed accepting Rs.60,000/- as bribe from the complainant.

4. Learned counsel for the accused-applicant submits that she does not want to argue the case on its merit but looking at the long incarceration of the accused-applicant in jail since 03.04.2022 and also taking into account the fact that the accused-applicant is not in a position to influence the witness or tamper with the evidence during trial and he will cooperate in the trial for its early conclusion, he may be enlarged on bail.

5. Mr.A.K. Singh, learned counsel for the C.B.I. has opposed the bail application but he does not dispute the fact that the accused-applicant would not be in a position to tamper with the evidence.

6. Considering the facts and circumstances of the case, the fact that the accused-applicant has been in jail since 03.04.2022, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and, without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

7. Let applicant Sarvesh Kumar Yadav be released on bail in the aforesaid case on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the Magistrate/Court concerned, subject to following conditions :-

(i) The applicant shall cooperate in the trial for its early conclusion and the trial court shall make every endeavour to conclude the trial preferably within a period of one year.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

Order Date :- 16.11.2022
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