
(2013) 02 AHC CK 0200
In the Allahabad High Court

Shiv Prasad Trivedi

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 08-02-2013

Acts Referred:

Citation : (2013) 02 AHC CK 0200

Hon'ble Judges : Het Singh Yadav, J

Final Decision : Disposed Of

Judgement

Het Singh Yadav, J.—Heard learned counsel for the applicant, learned counsel for the complainant, learned A.G.A. and perused the record.

2. Learned counsel for the applicant submits that the applicant retired from the post of Accountant of the college on 30.8.2012. After his retirement he applied for the release of G.P.F. and other retiral benefits. The complainant, who is the Principal of the college did not forward the papers of the applicant in connection with G.P.F. and other retiral benefits of the applicant. The applicant, therefore, was constrained to move a complaint in this regard against the complainant to the concerned Government authorities. It is with this reason the payment of salary of the complainant was stopped. The complainant as counter blast lodged F.I.R. against the applicant on false allegations disclosing therein that the applicant has misappropriated Rs. 6 lacs given to him in advance to meet out day to day expenditures of the college, while working as Accountant. It is also alleged in the F.I.R. that the applicant illegally and unauthorisedly withhold the records such as accounts books and leisure etc. with him after his retirement. He also submitted statements showing fabricated reconciliation relating to Rs. 6 lacs advanced to him as aforesaid. It is vehemently argued that the applicant already submitted reconciliation statements to the college authorities at the time of his retirement, accordingly, no dues certificate was issued to him. The complainant, however, refused to sign the no dues certificate, though it was signed by other concerning officials of the college. Thus, it is obvious that the applicant has been booked in this case simply because of reason that he made a

complaint against the first informant. The Investigating Officer has already concluded investigation and submitted chargesheet in the Court. Therefore, his further detention in the jail will not serve any purpose. The applicant, who is about 63 years of age and in jail since 18.9.2012, deserves to be enlarged on bail.

3. Learned A.G.A. and learned counsel for the complainant opposed the bail application and submitted that the applicant not only misappropriated Rs. 6 lacs given to him in advance to meet out the day to day expenditure of the college but he also forged and fabricated documents convertible into money in order to cheat and defraud the college. No dues Certificate alleged to have been issued in his favour, was not signed by the Principal of the College, who is the competent authority and therefore, the bail application is liable to be rejected.

4. Considering the points pertaining to the nature of accusation, prima facie satisfaction regarding proposed evidence and severity of punishment raised as above by the learned counsel of both the sides and on perusal of record, the Court is of the view that the applicant deserves to be enlarged on bail.

5. Let applicant Shiv Prasad Trivedi involved in the Case Crime No. 320 of 2012 under Sections 406 and 409 I.P.C. Police Station Kotwali, District Kanpur Nagar be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions that:

(i) He shall not intimidate any witnesses in any manner.

(ii) He will cooperate in the trial and will remain present before the trial Court on the date fixed in the matter.

(iii) He will not misuse the liberty of the bail and will not repeat any such incident in future.

6. In case of breach of any of the above conditions, the trial Court will be at liberty to cancel the bail of the applicant.