UPSI010036542026

The Court of District & Sessions Judge, Sitapur.

Present- (Ashish Jain)**, (H.J.S.)**

CIS No.- 1584/2026

Anticipatory Bail Application No. 267/2026

Rakesh Kumar @ Rakesh @ Guddu Prajapati ... Accused-applicant,

Versus

State of U.P. … Respondent.

Case Crime No.- 06/2025
Section- 316(2), 318(4), 352, 351(2) BNS
P.S.- Thangaon, Sitapur.

Disposed First Anticipatory Bail Application Order

1. This first anticipatory bail application has been moved on behalf of the accused-applicant **Rakesh Kumar @ Rakesh @ Guddu Prajapati** in Case Crime No. 06/2025 under Sections 316(2), 318(4), 352, 351(2) of the BNS, P.S. Thangaon, District Sitapur.

2. In connection with this anticipatory bail application **Rakesh Kumar @ Rakesh @ Guddu Prajapati** has also submitted an affidavit stating that this is his first anticipatory bail application and no other anticipatory bail application has been moved on his behalf either in this Court or in the Hon'ble High Court neither any anticipatory bail application is pending before this Court nor has been rejected.

3. The brief facts of the case is that, the complainant is a simple, educated and unemployed poor person. Opposite Party No.1 Satish Rajput was working as Branch Manager of LUCCD Loni Urban Multi State Credit & Thrift Co-operative Society, Branch Halimnagar, Police Station Thangaon, District Sitapur, Opposite Party No.2 Rajkumar Prajapati was a senior agent of the said society and Opposite Party No.3 Rakesh @ Guddu Prajapati was working as an agent under Opposite Party No.2. The complainant was also appointed as an agent on commission basis by Opposite Party No.3. As per the directions of the opposite parties, the complainant used to open accounts, collect money from account holders and deposit the same with Opposite Party No.1 and thereafter distribute the receipts to the account holders while also keeping copies of receipts with himself as proof. Some time later, the said company allegedly committed fraud and closed all its offices, after which the account holders started demanding their money from the complainant. When the complainant contacted Opposite Parties No.1 to 3, they informed him that the company had absconded with all the money and they could not return the same. The complainant stated that the entire responsibility of the branch lies upon Opposite Parties No.1 to 3 as the branch was being operated through them, whereas the complainant merely collected money from the account holders and deposited it in the branch through the opposite parties and most of the deposit receipts are still in his possession. The complainant was unaware that the company was fraudulent and when he contacted the head office of Opposite Party No.4, they denied any responsibility despite the branch being operated under their company. It appears that all the opposite parties, in collusion, have fraudulently misappropriated the entire amount. Whenever the complainant contacts Opposite Parties No.1 to 3, they abuse him and threaten him not to contact them again.

4. Heard the learned counsel for the accused-applicant and D.G.C. Criminal for the State and perused the material available on record.

5. Learned counsel appearing on behalf of the accused-applicant stated that the applicant/accused has been falsely implicated in the present case due to enmity and that he has not committed any such alleged incident. That all the witnesses of the alleged incident are interested witnesses and their statements cannot be relied upon. The complainant Anoj Kumar has lodged a false FIR on fabricated facts only to save himself and to put pressure upon the applicant/accused. About two years ago, the complainant had purchased a buffalo from the co-accused Satish and an amount of Rs. 30,000/- was still due, and when Satish demanded the said amount, the complainant abused him and clearly refused to make payment and also threatened, about two months prior to the alleged incident, to falsely implicate him in some criminal case and send him to jail. No video recording or CCTV footage relating to the alleged incident has been produced, making the incident doubtful. Further, the FIR does not specifically allege that the applicant/accused is not cooperating in the investigation or is causing any obstruction in collection of evidence. That if the applicant/accused is arrested, his social reputation will be damaged and he is the sole earning member of his family. The accused-applicant is ready and willing to abide by the terms and conditions imposed by this Hon'ble Court, if this Court pleases to grant anticipatory bail. The accused-applicant shall not misuse the liberty of the anticipatory bail granted to him, will co-operate in trial and will not tamper the evidence.

6. Per contra, learned D.G.C. Criminal has vehemently opposed the contentions aforesaid and submits that the accused-applicant is involved in committing such an offense and as such, he is not entitled for anticipatory bail. Hence, there is no reasonable ground for granting the anticipatory bail to the accused-applicant and therefore, the anticipatory bail application of the accused-applicant deserves to be rejected.

7. Case diary and material available on record have been examined. From the perusal of the record, it appears that the allegations against the accused-applicant Rakesh Kumar @ Rakesh @ Guddu Prajapati are that he was working as an agent under co-accused Rajkumar Prajapati in LUCCD Loni Urban Multi State Credit & Thrift Co-operative Society, Branch Halimnagar, and had appointed the complainant as an agent on commission basis. The complainant used to collect money from account holders and deposit the same in the branch. The allegation is that after closure of the society, the deposited amount could not be returned to the account holders and the accused persons, in collusion with each other, misappropriated the deposited money. Further, from the perusal of the record, it transpires that charge-sheet has already been submitted before the competent court. All the alleged offences are punishable with imprisonment of less than seven years. The accused-applicant has no criminal history. There is nothing on record to indicate that the applicant is likely to abscond, tamper with the prosecution evidence, or misuse the liberty of anticipatory bail. Moreover the anticipatory bail of the co-accused Satish Rajput @ Satish has already been granted by this court vide order dated 11.05.2026. Therefore, without expressing any opinion on the merits of the case, this Court finds it to be a fit case for grant of anticipatory bail. Hence, the anticipatory bail application moved on behalf of accused-applicant is liable to be allowed.

ORDER

This Anticipatory Bail Application moved on behalf of the accused-applicant **Rakesh Kumar @ Rakesh @ Guddu Prajapati** in Case Crime No. 06/2025 under sections 316(2), 318(4), 352, 351(2) of the BNS, P.S. Thangaon, District Sitapur is hereby, **allowed.** The accused-applicant is granted anticipatory bail on furnishing a personal bond of Rs.50,000/- (**Rupees Fifty Thousand**) along with two sureties each in the like amount to the satisfaction of the concerned Magistrate/concerned S.H.O. within one week. Accordingly, the anticipatory bail application is allowed on the following terms and conditions:-

1. The accused-applicant shall not tamper with the prosecution evidence.

2. The accused-applicant shall not pressurize/intimidate the prosecution witnesses and shall co-operate in trial.

3. Unless the personal appearance of the accused-applicant is excused by the concerned Court he has to be present on each date of hearing in the Court.

4. The accused-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 him from disclosing such facts to the Court or to any police officer.

5. The accused-applicant shall not indulge in any criminal activity or commission of any crime.

6. The accused-applicant shall not leave India without the prior permission of the Court.

In case of breach of any of the above conditions, it shall be a ground for cancellation of anticipatory bail by the Trial Court.

Date:02.06.2026
Agam/-

(**Ashish Jain)**
District and Sessions Judge,
Sitapur
J.O. Code- UP- 2024