



2025:AHC:215505

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 42264 of 2025

Suresh Prakash Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Verma, Raghuvansh Misra
Counsel for Opposite Party(s) : G.A.

Court No. - 73

HON'BLE SAMEER JAIN, J.

1. Heard Sri Raghuvansh Misra, and Sri Anil Kumar Verma, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.002 of 2025, under Section 7 Prevention of Corruption Act, 1988, Police Station Adarsh Mandi, District Shamli (transferred and registered as Case Crime No.010 of 2025, Police Station Anti-Corruption Saharanpur, District ACO U.P.) during pendency of the trial.
3. Learned counsel for the applicant submits that applicant was posted as Labour Enforcement Officer and as per allegation to settle the claim of complainant he made demand of bribe of Rs. Fifteen Thousand from him and he was also apprehended red handed by Trap Team and even bribe money was also recovered from his possession but entire allegations levelled against the applicant are totally false.
4. They further submit that claim of the complainant could not be processed only because his application was defective and this fact is evident from page 111 of the paper book.
5. They further submit that complainant moved complaint against the applicant on 21.8.2025 but before the complaint on 14.8.2025 applicant moved an application before Deputy Labour Commissioner that some officers/employees posted in his office are hatching conspiracy against

him and this fact again shows that applicant has been falsely made accused in the present matter.

6. They further submit that even from the FIR it reflects that after the alleged trap applicant was taken to the Police Station and at Police Station hands of the applicant and complainant were washed and at Police Station the alleged recovered bribe money was sealed and even at Police Station recovery memo of alleged trap was prepared and these facts cast serious doubt on the entire trap proceedings.

7. They further submit that however, from the FIR it also reflects that from the house of applicant about Rs. Twenty One Lacs Fifty Thousand were also recovered but surprisingly during investigation Investigating Officer did not conduct any investigation in this regard and charge sheet has been filed against the applicant only under Section 7 Prevention of Corruption Act. They next submit that however, applicant in paragraph-20 of the affidavit filed in support of the instant bail application has explained the recovery and according to him the above recovered money belonged to him which he earned by selling the crop and trees.

8. They further submit that applicant is not having any previous criminal history and investigation of the case has been completed and in the present matter he is in jail since 25.8.2025, i.e., for the last more than three months.

9. Per contra, learned AGA opposed the prayer for bail and submits that applicant was holding an important position but in spite of that he failed to discharge his duties in accordance with law and he made demand of bribe and subsequently even bribe money was also recovered from his possession when he was apprehended red handed by Trap Team. He further submits that even from the house of the applicant huge unaccounted money of Rs. Twenty One Lacs Fifty Thousand were recovered but learned AGA could not dispute the fact that from the FIR it reflects that neither hands of the applicant and the complainant were washed at spot where trap was made nor alleged recovered bribe money was sealed at spot and even recovery memo has not been prepared at spot and all these proceedings have been conducted at the Police Station.

10. Learned AGA further could not dispute the fact that with regard to

recovery of about Twenty One Lacs Fifty Thousand from the house of the applicant Investigating Officer during investigation did not conduct any investigation and charge sheet has been filed against the applicant only for offence punishable under Section 7 Prevention of Corruption Act.

11. He also could not dispute the fact that applicant is not having any previous criminal history and investigation of the case has been completed and in the present matter he is in jail for the last more than three months.

12. I have heard learned counsel for the parties and perused the record of the case.

13. However, as per allegation applicant was posted as Labour Enforcement Officer and to settle the claim of the complainant he made demand of bribe from him and subsequently he was apprehended red handed by Trap Team and even bribe money was also recovered from his possession and from his house about Rs.Twenty One Lacs Fifty Thousand were also recovered but it reflects that neither hands of the applicant and complainant were washed at spot where trap was made nor alleged recovered bribe money was sealed at spot. Record also suggests that recovery memo of the alleged bribe has also not been prepared at spot and it appears that all these proceedings have been conducted at Police Station. Considering these facts the argument advanced by the learned counsel for the applicant that trap proceeding appears to be doubtful cannot be completely brushed aside at this stage.

14. Further, record also suggests that complainant moved the complaint against the applicant on 21.8.2025 but on 14.8.2025 applicant moved an application before the Deputy Labour Commissioner that some officers of the office are trying to implicate him in some false cases. Considering this fact the argument advanced by the learned counsel for the applicant with regard to his false implication can also not be completely ruled out at this stage.

15. Further, after perusing the claim application filed by complainant which has been annexed at page 111 of the paper book, the argument advanced by the learned counsel for the applicant that as there was some defect in his application therefore, his claim could not be settled and

applicant never made any demand of bribe can also not be completely brushed aside at this stage.

16. Further, as far as recovery of about Rs.Twenty One Lacs Fifty Thousand are concerned it appears that in this regard during investigation Investigating Officer did not conduct any investigation and charge sheet has been filed against the applicant only under Section 7 Prevention of Corruption Act.

17. Further, even alleged recovered money has been claimed by the applicant by making an averment that he earned this money from the crops and Eucalyptus trees.

18. Further, applicant is not having any previous criminal history and investigation of the case has been completed and in the present matter he is in jail for the last more than three months.

19. Further, law is settled that unless proven guilty, an accused is deemed to be innocent and bail application of an accused should not be dismissed either for punitive or preventive purposes.

20. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

21. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

22. Let the applicant-**Suresh Prakash Gautam** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) 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 or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

23. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

24. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

25. Before parting, it is pertinent to mention that investigation of the cases relating to Prevention of Corruption Act are being conducted in most casual manner. In most of the cases, neither the hands of the accused and the complainant are being washed at spot where trap was made nor even the recovered bribe money is being sealed at the place of Trap though for sanctity of the trap proceedings these proceedings should be conducted at the spot where trap was made. Therefore, it is directed that Principal Secretary (Home) Government of Uttar Pradesh as well as DGP Government of U.P. shall look into the matter and issue necessary directions in this regard.

26. The Registrar General of this Court shall forward the copy of the order to Principal Secretary (Home) and Director General of Police, Government of U.P. at the earliest for necessary compliance.

(Sameer Jain,J.)

December 1, 2025

SKM