

**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR****Anticipatory Bail Application No.: 828/2026**

CNR No.: UPAN010048942026

In the Matter of:

Vanshamani, Aged about 52 years, Son of Late Nirankarnath, Resident of Village Mubarakpur Daiyadh, Police Station Akbarpur, District Ambedkar Nagar.

*... Applicant / Accused***Versus****State of Uttar Pradesh***... Prosecution / Opposite Party***Order Date:** June 12, 2026**Case Crime No.:** 236/2026

Under Section: Section 316(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 (Criminal breach of trust by a public servant).

Police Station: Kotwali Akbarpur, District Ambedkar Nagar

This is the first application for anticipatory bail moved on behalf of the applicant/accused, Vanshamani, under **Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**, seeking pre-arrest protection in connection with Case Crime No. 236/2026. The application is accompanied by a supporting affidavit executed by the applicant himself.

Points for Determination

The following key legal and factual questions arise for determination in this application:

1. Whether a *prima facie* case of complicity, institutional conspiracy, and criminal breach of trust under Section 316(5) BNS is established against the applicant, who holds the public office of District Data Assistant Account Manager (DDAAM).
2. Whether the continuous unauthorised disbursement of public funds over a prolonged period of 13 months constitutes a mere

clerical error or indicates deep-seated institutional connivance demanding full custodial scrutiny.

3. Whether the applicant is entitled to the extraordinary statutory relief of pre-arrest bail under Section 482 BNSS, given the ongoing phase of the investigation and the position of influence he commands within the health department.

Findings

1. Factual Matrix of the Prosecution Case

The case for the prosecution originates from a written complaint filed on April 02, 2026, at 15:46 hours by the informant, Dr Ramanand, at Police Station Kotwali Akbarpur. The material facts, as extracted from the case records, are summarised below:

1. **The Dual Status:** An inquiry into an Integrated Grievance Redressal System (IGRS) complaint (No. 400178XXXXX073) filed against Smt. Anju Mishra, a Health Worker (Female) at Community Health Centre (CHC) Bhiti, revealed a gross financial irregularity. Smt. Anju Mishra was initially working as a contractual Auxiliary Nurse Midwife (ANM) under the National Health Mission (NHM) and drawing a monthly honorarium. Subsequently, she was regularly selected through the U.P. Subordinate Services Selection Commission (UPSSSC) and formally assumed a permanent post on September 10, 2023, drawing a regular salary from the government treasury via the state-level budget.
2. **The Continuous Disbursement:** Although she tendered her resignation from the contractual post on August 30, 2023, her contractual honorarium continued to be systematically disbursed alongside her regular salary. Over a span of 13 months (from October 19, 2023, to February 05, 2025), a sum of ₹2,23,195.00 was unauthorisedly transferred into her Kotak Mahindra Bank account (A/c No. 9512070129).
3. **The Cover-Up and Inaction:** Smt. Anju Mishra, in her official explanation dated January 19, 2026, categorically stated that upon realising that double payments were hitting her accounts, she personally visited the NHM office and raised the matter directly with District Programme Manager (DPM) Shri Anil Mishra and the applicant, DDAAM Shri Vanshamani Pandey. The applicant and the DPM explicitly assured her that it was a simple "clerical error," instructed her not to worry, and promised to inform her later on how to return the funds. Despite this verbal disclosure,

the applicant willfully suppressed the facts and took absolutely no administrative or recovery action until the IGRS complaint forced an official audit. The overpaid funds were only deposited back into the state exchequer on February 06, 2026, after senior officials intervened.

Based on these facts, a primary investigation was launched, and the applicant was explicitly named in the FIR for actively facilitating and masking the financial fraud.

2. Submissions on Behalf of the Parties

The learned counsel for the applicant/accused robustly argued that:

1. The applicant is completely innocent and has been falsely implicated to be made a scapegoat for an automated banking or database glitch.
2. The delayed lodgment of the FIR points toward an afterthought by the department.
3. The entire overpaid amount has already been recovered and deposited back into the state accounts by the concerned employee, meaning no actual financial loss has been sustained by the public exchequer.
4. The offence is triable by a Magistrate, the applicant has a clean criminal record, and he is fully committed to cooperating with the ongoing investigation.

The learned District Government Counsel (Criminal) vehemently opposed the grant of anticipatory bail, placing strong reliance on the case diary entries. He argued that the applicant was the direct custodian responsible for verifying attendance and certifying honorarium logs. He further stressed that the applicant actively stonewalled any rectifying action when the anomaly was brought to his desk, showing deep-rooted culpability.

3. Judicial Analysis and Legal Rationale

Having thoroughly evaluated the case diary records, the prosecution papers, and the statutory obligations attached to public service, this Court is disinclined to grant pre-arrest protection based on the following grounds:

1. ***Prima Facie Complicity & Violation of Public Trust:*** The applicant is directly named in the FIR and is explicitly designated as the District Data Assistant Account Manager. It was his core functional duty to verify the eligibility of contractual staff and

regulate fund distribution based on physical attendance logs. If an employee has left contractual service and is working full-time in a regular government position elsewhere, her physical presence as a contractual worker is factually impossible. The applicant completely failed to discharge his official supervisory check.

2. **The Fallacy of the "Clerical Error" Defence:** This Court cannot lose sight of the fact that this unauthorised drain on public funds persisted unchecked for a prolonged period of 13 months. A genuine typographical or clerical mistake occurs over a month or two; it cannot repetitively escape structural audits, monthly reconciliations, and balance sheets for over a year unless there is deliberate collusion or conscious blindness. Most damagingly, when the employee herself approached the applicant to flag the double payment, he actively suppressed it by telling her "not to worry," rather than initiating an immediate recovery process or reporting it to the treasury.
3. **Application of Supreme Court Precedents:** The law settled by the Hon'ble Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)* (AIR 2020 SUPREME COURT 831) clarifies that while anticipatory bail safeguards personal liberty, it cannot be exercised as an absolute right to insulate individuals from legitimate statutory investigations, especially when a *prima facie* case of institutional fraud is apparent. Furthermore, in cases concerning economic offences and misappropriation of public funds by public officials, the Apex Court in *P. Chidambaram v. Directorate of Enforcement* (AIR 2019 SUPREME COURT 4198) ruled that the discretion to grant anticipatory bail must be exercised sparingly, as an unfettered pre-arrest blanket can severely hamstring the investigative machinery from unearthing the true trail of the conspiracy.

Given that the investigation is still active and at a critical juncture, releasing an influential departmental head on anticipatory bail creates a potent risk of tampering with the electronic data logs, bank communication files, and intimidating subordinate prosecution witnesses. The gravity of the economic infraction overrides the plea for personal liberty.

Order

The anticipatory bail application moved on behalf of the applicant/accused **Vanshamani** in connection with **Case Crime No. 236/2026**, under Section 316(5) BNS, Police Station Kotwali Akbarpur, District Ambedkar Nagar, is hereby **Rejected**.

Nothing observed hereinabove shall be construed as a definitive expression of opinion on the ultimate merits of the case during the trial.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar

J.O. Code No.: UP06553

Date: June 12, 2026

Place: Ambedkar Nagar