

Jai Prakash Gupta @ Nate vs State Of U.P. And Another on 1 May, 2025

Author: Vivek Varma

Bench: Vivek Varma

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69174

Court No. - 69

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1145 of 2025

Applicant :- Jai Prakash Gupta @ Nate

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prabhakar Singh, Rajeev Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. The applicant was granted interim anticipatory bail by the co-ordinate Bench of this Court vide order dated 28.2.2025. The order is quoted herein below:-

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

2. The instant Anticipatory Bail Application has been filed with a prayer to grant an anticipatory bail to the applicant in Case Crime No. 04 of 2025, under Sections 419, 406, 420, 467, 468, 471, 323, 504, 506 I.P.C, Police Station- Moolganj, District-

Kanpur Nagar, during the pendency of trial.

3. Allegation is that applicant took money from the informant for providing him 'theka' for parking place. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. Instant first information report has been lodged through an application under Section 156(3) Cr.P.C. after about four years. On perusal of contents of first information report, no offence under alleged sections is made out. It is a civil nature dispute. Applicant has no criminal history to his credit. In case, applicant is granted anticipatory bail, he would not misuse the liberty of bail and would co-operate with the investigation. Applicant has definite apprehension of his arrest by the police.

4. Learned AGA has vehemently opposed the prayer for anticipatory bail of the applicant with the contention that the applicant is not entitled for anticipatory bail as, prima facie, case is made out.

5. Learned A.G.A. granted four week's time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

6. List this case after six weeks.

7. As an interim protection, till the next date of listing fixed for hearing on this application, the applicant is granted anticipatory bail in the aforesaid case crime number. In the event of arrest, the applicant shall be released on interim anticipatory bail on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) The applicant shall make himself available for interrogation by the police officer as and when required;

(ii) The 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 from disclosing such facts to the Court or to any police officer;

(iii) The applicant shall not leave India without the previous permission of the Court and if applicant has passport, the same shall be deposited before the S.S.P./S.P./C.P./A.C.P concerned;

(iv) The applicant shall not tamper with the evidence during the trial;

(v) The applicant shall not pressurize/intimidate the prosecution witness;

(vi) The applicant shall appear before the trial court on each date fixed unless personal presence is exempted.

8. In default of any of the conditions, the Investigating Officer/Govt. Advocate/concerned court is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant. "

2. Counsel for the applicant submits that pursuant to the interim order dated 28.2.2025 the applicant had furnished bail bonds before the S.H.O. concerned and had joined the investigation. The investigation is still pending. Counsel for the applicant further contends that a business dispute between the parties has been given colour of a criminal case. The applicant has not forged or manipulated any documents. Further during the pendency of investigation the parties have entered into settlement. Copy of the compromise has been submitted to the concerned investigating officer. He further contends that the application may be disposed of at this stage.

3. Heard learned counsel for the applicant, Sri Nagendra Kumar Mishra, learned AGA for the State and perused the material on record.

4. No adverse material has been produced by learned AGA against the applicant, which may warrant any modification in the order dated 28.2.2025. Therefore, no useful purpose would be served by keeping this application pending.

5. Accordingly, the order dated 28.2.2025 is hereby made absolute till filing of police report under Section 173(3) Cr.P.C. for the reasons as given in the said order on his furnishing a fresh personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the applicant shall make himself available for interrogation by a police office as and when required;

(ii) the 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;

(iii) the applicant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the S.S.P./S.P. concerned.

6. In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

7. The Investigating Officer is directed to conclude the investigation of the present case in accordance with law expeditiously preferably within a period of three months from the date of production of a copy of this order independently without being prejudice by any observation made by this Court while considering and deciding the present anticipatory bail application of the applicant.

8. The applicant is directed to produce a copy of this order before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

9. The application stands disposed of.

Order Date :- 1.5.2025 S.S.