

Dhruv Saxena vs State Of U.P. on 1 April, 2025

Author: Vivek Varma

Bench: Vivek Varma

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:45027

Court No. - 69

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 554 of 2025

Applicant :- Dhruv Saxena

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamal Kaushal Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant, learned AGA for the State and perused the material on record.
2. The applicant was granted interim anticipatory bail vide order dated 14.02.2025 by the co-ordinate Bench of this Court. 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. 497 of 2024, under Section 409 I.P.C, Police Station- Kotwali, District- Shahjahanpur.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. Applicant is retired from the post of Wasil Vaki Navis (AWVN) in the year 2021. From perusal of FIR, no offence under alleged section is made out against the applicant. Investigation is going on. No charge-sheet has been submitted. 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 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 AGA is 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."

3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The relevant records were not handed to the applicant at any point of time. The applicant had retired in the year 2021. The applicant has been made scapegoat for the alleged incident. At this stage there is no credible evidence to link the applicant with the offence. Pursuant to the interim anticipatory bail, the applicant is co-operating in the investigation. The applicant has no criminal antecedents. In case, the applicant is released on anticipatory bail, till the conclusion of trial he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made by counsel for the applicant, considering the nature of accusations, antecedents of the applicant, no adverse material has been produced by the learned AGA, no violation of conditions or misuse of liberty of interim anticipatory bail has been pointed out by learned A.G.A., without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on anticipatory bail.

6. In the event of arrest, the applicant Dhruv Saxena, involved in the aforesaid case crime be released on anticipatory bail during pendency of trial, on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(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 them from disclosing such facts to the court or to any police officer;

(iii) The applicant shall not leave the country during the currency of trial without prior permission from the concerned trial Court.

(iv) The applicant shall surrender his passport, if any, to the concerned Court forthwith. His passport will remain in custody of the concerned Court.

(v) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court.

(vi) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement

under Section 351 of B.N.S.S.

7. In default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

8. The application stands disposed of.

Order Date :- 1.4.2025 Manish Kr