

Rakesh Pratap Singh vs State Of U.P. Thru. Prin. Secy. Home ... on 1 May, 2025

Author: Manish Mathur

Bench: Manish Mathur

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:25304

Court No. - 13

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 95 of 2025

Applicant :- Rakesh Pratap Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko

Counsel for Applicant :- Abhishek Singh,Gautam Singh Yadav

Counsel for Opposite Party :- G.A.,Bal Krishna Shukla

Hon'ble Manish Mathur,J.

1. Heard learned counsel for applicant and learned Additional Government Advocate appearing on behalf of State.
2. No one has put in appearance on behalf of complainant/ informant.
3. This first anticipatory bail application has been filed with regard to Case Crime No. 221 of 2024, under Sections 419, 420, 467, 468 and 471 IPC, Police Station Kotwali Nagar, District Bahraich.

4. Earlier an interim anticipatory bail had been granted to applicant by this Court on 30.01.2025, which is quoted here-in-below:-

"Mr. Bal Krishna Shukla, Advocate has put in appearance on behalf of the complainant by filing vakalatnama and the same is taken on record.

Heard learned counsel for the applicant, Mr. Bal Krishna Shukla, learned counsel for the complainant, learned A.G.A. for the State and perused the record.

The instant anticipatory bail application has been filed on behalf of the applicant with the prayer to release him on anticipatory bail in Case Crime No. 221 of 2024, under sections 419,420,467,468,471 of IPC P.S.- Kotwali Nagar, District- Bahraich.

The contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He submits that the record, which is said to be fabricated in the year 2007, has now been raised by way of lodging the FIR. He added that after 17 years of the period, the FIR has been lodged, though there is no material evidence against him. He next added that no departmental inquiry is done against the applicant. He also submits that the applicant has a case criminal history wherein he has been enlarged on bail and he is cooperating in the investigation proceedings and even then, there is apprehension that he will be arrested by the police thus, submission is that the he may be granted anticipatory bail.

Per contra, Mr. Bal Krishna Shukla, learned counsel appearing for the complainant has opposed the submissions aforesaid and has placed a copy of the fact finding report and submitted that there are as many as five cases against the applicant, wherein prima facie he has been found involved to make fabrications in the records, as such, he is not entitled to be released on anticipatory bail.

Learned AGA appearing for the State has also supported the version of the counsel for the complainant.

Prima facie, this Court finds that the matter pertains to year 2007 and there is no dispute that that the applicant is not cooperating in the investigation proceedings, thus, no custodial interrogation is required. Further, there is a case criminal history of the applicant, wherein he has been enlarged on bail and no departmental inquiry is done still.

Considering the aforesaid facts and circumstances of the case, till the next date of listing, the present applicant- Rakesh Pratap Singh shall be released forthwith, in case of his arrest in the aforesaid case crime (supra) on an interim anticipatory bail on his furnishing personal bond and two solvent sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

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

(ii) that 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 or tamper with the evidence;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that in case chargesheet is submitted the applicant shall not tamper with the evidence during the trial;

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

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

(vii) that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

Let counter affidavit be filed within a period of two weeks.

Rejoinder affidavit may be filed within a week thereafter.

List/put up this matter in the 1st week of March, 2025 showing the name of Mr. Bal Krishna Shukla as counsel for the complainant/opposite party in the cause list.

It is provided that the counsel for the applicant shall provide a copy of the anticipatory bail application to the counsel for the complainant today itself."

5. In pursuance thereof, learned A.G.A has been provided instructions in this matter and submits that subsequently charge sheet has been filed on 23.04.2025 and there is nothing adverse that the applicant has not cooperated during investigation.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it transpires that there is nothing adverse or indicating any substantive change after grant of interim anticipatory bail and charge sheet having been filed with cooperation of applicant.

7. In view thereof, the interim anticipatory bail granted earlier to the applicant Rakesh Pratap Singh is made absolute with the following conditions:-

(i) 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 tamper with the evidence;

(ii) The applicant shall not leave India without the previous permission of the court;

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

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

(v) In case of breach of any of the above conditions the court below shall have the liberty to cancel the bail;

Any other reasonable restrictions/conditions which the trial court may deem fit and proper can be imposed.

8. It is made clear that the observations made in granting bail to the applicant shall not in any way affect the trial Judge in forming his independent opinion based on the testimony of the witnesses.

9. The application stands allowed.

Order Date :- 1.5.2025/Mohd. Sharif