

# **Kuldeep Agarwal vs State Of U.P. Thru. Prin. Secy. Home Lko. on 3 March, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:12702

Court No. - 15

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1771 of 2025

Applicant :- Kuldeep Agarwal

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

Counsel for Applicant :- Sarvesh Kumar Tiwari, Prashant Kumar, Satish Gulati

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Supplementary affidavit filed today by the counsel for the applicant is taken on record.

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

The instant bail application has been filed on behalf of the applicant with a prayer to release the applicant on bail during the trial in Case Crime No. 615 of 2024, under Sections 419, 420, 467, 468, 471 I.P.C., P.S.-Kotwali City, District -Hardoi.

It is contended by learned counsel for the applicant that the applicant is innocent and he has been falsely implicated in the present case. He submits that the bald allegation against the applicant is that he has submitted a fake FDR before the District Excise Officer in support of the liquor licence, though it is an admitted fact that the licence of liquor is in the name of one Sangita Devi Agarwal and being the son, he has falsely been implicated in the instant matter. He further submits that the

FDR was not submitted by the applicant and there is no documentary proof in this regard. He also submits that the applicant has explained six cases criminal history in para no. 7 of the supplementary affidavit filed today and he is languishing in jail since 27.11.2024 and in case, he is granted bail, he will not misuse the liberty and would co-operate in the trial proceedings.

Per contra, learned A.G.A. vehemently opposed the prayer of bail and submitted that the applicant is involved in committing the aforesaid offence, as such, he is not entitled to be released on bail.

Having heard the learned counsel for the parties and after perusal of record, it transpires that the FDR was not submitted by the applicant and there is no documentary proof in this regard; the applicant has explained six cases criminal history in para no.7 of the supplementary affidavit filed today and he is languishing in jail since 27.11.2024 coupled with the fact that he has undertaken that he will not misuse the liberty of bail if granted and would co-operate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant- Kuldeep Agarwal involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;
- (3) 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 313 Cr.P.C.; and (4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

Order Date :- 3.3.2025 Shravan