

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10186 of 2022

Applicant :- Pradeep Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Himadri Batra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

Heard Sri Anurag Khanna, learned Advocate holding brief for Ms. Himadri Batra, learned counsel for the applicant and Sri R.P. Patel, learned A.G.A. for the State as well as perused the record.

The present anticipatory bail application has been filed on behalf of the applicant in Criminal Case No. 8092/9 of 2022, arising out of Case Crime No. 627 of 2018, under Sections 420, 465, 468, 470, 471 IPC, 34 of the Aadhar Act, 3/7 Essential Commodities Act, 66(d) of the Information & Technology Act, Police Station- Civil Lines, District Muzaffarnagar, with a prayer to enlarge him on anticipatory bail.

Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The applicant is retailer of a fair price shop for distributing essential commodities and has nothing to do with the said offence. Various FIRs have been lodged across the State and the District Supply Officer has cancelled the license granted to the applicant. The ingredients of the offences are absent and entire prosecution story is based on false and frivolous allegations. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. The charge-sheet has been filed against the applicant. There are no previous criminal antecedents of the applicant. Learned counsel for the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

The prayer for anticipatory bail has been vehemently opposed by learned A.G.A. However, he could not dispute the fact that there are no criminal antecedents of the applicant.

On due consideration to the arguments advanced by learned

counsel for the applicant as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicant, the applicant is liable to be enlarged on anticipatory bail in view of the judgment of Supreme Court in the case of "Shri Gurbaksh Singh Sibbia and Others vs. State of Punjab, (1980) 2 SCC 565". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Pradeep Kumar** be released forthwith in the aforesaid case crime (supra) on anticipatory bail on furnishing a personal bond of Rs.50,000/- and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

1. that the applicant shall make himself available for interrogation by a police officer as and when required;
2. 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/her from disclosing such facts to the court or to any police officer or tamper with the evidence;
3. that the applicant shall not leave India without the previous permission of the court;
4. that the applicant shall not pressurize/ intimidate the prosecution witness;
5. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
6. that in case of breach of any of the above conditions the court below shall have the liberty to cancel the bail.

It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial or deciding the regular bail application.

Order Date :- 19.10.2022

Shalini