

## **Mr. Anurag Gupta @ Anurag vs State Of U.P. Thru. Prin. Secy. Home Lko. on 25 October, 2024**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2024:AHC-LK0:72532

Court No. - 15

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10297 of 2024

Applicant :- Mr. Anurag Gupta @ Anurag

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

Counsel for Applicant :- Brij Bhushan Singh, Bheem Singh, Himanshu Pathak, Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Counter affidavit filed today 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. 2 of 2014, under Section 26/59 (iii) 58 Food Safety and Standards Act 2006 P.S. Kotwali Barabanki, District Barabanki.

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 prosecution has failed to corroborate the story narrated in the F.I.R. and there is no ample evidence against the applicant. He also added that the applicant has deposited certain amount and he will always co-operate with the investigating proceedings and trial proceedings. He further submits that there is no previous criminal history of

the applicant, which has been explained in para 32 of the bail application and the applicant is languishing in jail since 9.9.2024 and in case, the applicant 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 there is no previous criminal history of the applicant, which has been explained in para 32 of the bail application; the applicant is languishing in jail since 9.9.2024 and 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 Anurag Gupta @ Anurag 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.

The office is directed to provide certified copy of this order to the learned counsel for the applicant today itself.

Order Date :- 25.10.2024 Ram Murti