

Veer Gangwar vs State Of U.P. And 2 Others on 4 July, 2022

Author: Raj Beer Singh

Bench: Raj Beer Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 75

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 4005 of 2022

Applicant :- Veer Gangwar

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Indra Mani Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

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

The present application has been moved seeking anticipatory bail in Case Crime no. 113 of 2022, under Section 272, 120B IPC and Section 50/59 of Food Safety and Standard Act, 2006, P.S. Nawabganj, District Bareilly, with the prayer that in the event of arrest, applicant may be released on bail.

It has been argued by the learned counsel for the applicant that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. It has further been submitted that applicant has no criminal antecedents and that no coercive process has been issued against the applicant so far. It has been submitted that the involvement of applicant has been shown on the basis of statement of co-accused Anil Gupta made before the police, wherein he has inter alia stated that he also used to purchase the spurious sweet

items from applicant. Except that statement, there is no evidence against the applicant. No spurious food item has been seized from the shop or premises of applicant. Learned counsel submitted that as nothing has been recovered from applicant, thus, Section 272 IPC and 50/59 of Food Safety and Standard Act, 2006, are not attracted against the applicant. It was submitted that in fact applicant has been falsely implicated in this case on account of the fact that he was supporter of 'Samajwadi Party'. It was also submitted that applicant undertakes to co-operate during investigation and trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate during investigation and would obey all conditions of bail.

Learned A.G.A. has opposed the application for anticipatory bail.

It may be stated that in case of *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

In the instant case, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merit of the case, a case for anticipatory bail is made out.

The anticipatory bail application is allowed.

In the event of arrest of the applicant- Veer Gangwar in the aforesaid case crime, he shall be released on anticipatory bail on his 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/Court below concerned with the following conditions :-

- (i) the applicant shall make himself available for interrogation by the police 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 him/her/them from disclosing such facts to the Court or to any police officer;
- (iii) the applicant would co-operate during investigation and trial and would not misuse the liberty of bail.

In default of any of the conditions, the Investigating Officer/prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

Order Date :- 4.7.2022 A. Tripathi