

Ramesh Omar vs State Of U.P. on 11 June, 2021

Author: Vivek Agarwal

Bench: Vivek Agarwal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 1

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 11526 of 2021

Applicant :- Ramesh Omar

Opposite Party :- State of U.P.

Counsel for Applicant :- Kshitij Pal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Agarwal, J.

Heard Sri Kshitij Pal Singh, learned counsel for applicant-Ramesh Omar S/o Late Maheshwari Prasad and Sri Gambhir Singh, learned AGA for the State.

It is submitted that applicant has been made an accused on the basis of statements of co-accused Ram Kumar and Suresh, when FIR registering Case Crime No. 0052 of 2021 was registered at Police Station-Moosanagar, District-Kanpur Dehat on 08.04.2021 under Sections 272, 273, 420, 467, 468, 471 IPC.

It is submitted that applicant has directly come to this Court because F.I.R. was lodged on 08.04.2021 when second wave of Covid-19 pandemic was on its peak. Therefore, applicant has been able to make out an extraordinary circumstances in the light of the judgment of Five Judges Bench of this Court in case of Ankit Bharti Vs. State of U.P. and another; 2020 (3) ADJ 165 (F.B.), by directly approaching this Court.

Learned counsel for applicant submits that applicant has a different business and moreover provision of Food Safety and Standards Act, 2006 have not been followed and there is no need for lodging of any criminal case in the matter, as there is a special law in this regard, which will take its own course.

Learned AGA, in his turn, submits that there are two cases registered just prior to this case and in both the cases, applicant is on anticipatory bail.

After hearing learned counsel for the parties and going through the available record, it is apparent that no recovery has been made from the possession of the applicant. Looking to the facts of the case, taking into consideration the gravity and nature of accusation and there being no possibility of his fleeing from process of justice delivery, this Court is of the view that applicant is entitled for anticipatory bail.

Accordingly, let applicant Ramesh Omar involved in the aforesaid case 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 with the following conditions:-

- (i) The applicant shall make himself available for interrogation by a police officer as and when required, by approaching said police officer within 30 days from today.
- (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 from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (iii) The applicant shall not leave India without the previous permission of the Court.
- (iv) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
- (v) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.
- (vi) In default of any of the conditions mentioned above or in case it is found that applicant has obtained this order concealing any material facts, the investigating officers shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

In above terms, case is disposed off.

Order Date :- 11.6.2021 Vikram/-

