

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 15642 of 2021

Applicant :- Akil Ahmad

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Brij Bhushan Prasad Shrivastava

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. Rejoinder affidavit filed by learned counsel for the applicant is taken on record. Heard learned counsel for the applicant as well as Sri V.P. Singh, learned A.G.A. for the State and also perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 31 of 2015, under Sections 419, 420, 467, 468, 471 IPC, Police Station Tiwaripur, District Gorakhpur, with a prayer to enlarge him on anticipatory bail.

4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The applicant was not named in the FIR. The final report (charge sheet) was submitted against other co-accused persons. The case has been sent for further investigation by the orders of the Magistrate concerned in the year 2016 itself and the investigation is going on. The applicant has every apprehension of his arrest. The co-accused persons, Danish Aquil and Faiju Aquil, who were named in the FIR, have been enlarged on anticipatory bail till submission of report u/s 173(2) Cr.P.C. passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 8013 of 2021 dated 22.3.2021. It is further stated that the case of the applicant is at a better footing than that of the co-accused persons and he is ready to co-operate during investigation.

5. 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 applicant is cooperating with the investigation and he is ready to do so in future. There is no criminal history of the applicant and,

therefore, he is entitled for protection from this Court.

6. On the other hand, learned A.G.A. has vehemently opposed the prayer for grant of anticipatory bail but unable to dispute the submissions raised by the learned counsel for the applicant.

7. Considering the overall facts and circumstances of the case, this Court is of the opinion that the applicant deserves to be granted anticipatory bail in connection with the aforesaid case.

8. Accordingly, the anticipatory bail application of the applicant **Akil Ahmad** is **allowed** with following directions:-

(A) In the event of arrest of the applicant involved in aforesaid case shall be released on anticipatory bail till the submission of police report, if any, under section 173(2) Cr.P.C. before the competent Court on his/her furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned;

(B) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(C) 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 them from disclosing such facts to the Court or to any police officer; and

(D) The applicant shall not leave India without the previous permission of the Court.

9. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

(Justice Krishan Pahal)

Order Date :- 3.11.2023

Shalini