

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 7403 of 2023**

Applicant :- Krantiveer Singh

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

Counsel for Applicant :- Anurag Kumar Pandey, Adarsh Bhushan

Counsel for Opposite Party :- G.A., Bal Ram Bind

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
3. Heard Sri Adarsh Bhushan, learned counsel for the applicant, Sri Bal Ram Bind, learned counsel for the informant and Sri R.P. Patel, learned A.G.A. for the State as well as perused the record.
4. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 328 of 2022, registered under Sections 376(2)(n), 506 I.P.C. at Police Station- Cantt., District- Bareilly with a prayer to enlarge him on anticipatory bail.
5. As per prosecution story, the applicant, who is a Sub-Inspector in UP Police, was posted at Kotwali Shahjahanpur and was investigating the matter of family dispute of informant with her husband and entered into corporeal relationship with her on the pretext that he shall marry her. Later on, on 24.2.2021 the applicant is even stated to have fudged his marriage with the informant and had even given a fake marriage certificate to her.
6. Learned counsel for the applicant has stated that he has been falsely implicated in this case. The case to the maximum falls within the category of Section 497 I.P.C. only. Learned counsel has stated that the divorce petition no.77 of 2013 of the informant with her husband is pending before the Family Court, Shahjahanpur. Learned counsel has stated that to date it has not been decided, as such the allegations stand falsified. It is true that applicant is a married person but how could he marry a women who was already married. The criminal history of two cases assigned to the applicant stands explained and he is being harassed by the instant

FIR.

7. 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 has apprehension of his arrest. Learned counsel has stated that 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.

8. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that the corporeal relationship has been established by the applicant on the pretext of marriage and he has even fudged marriage certificate, although they could not dispute that the divorce petition between the informant and her husband is still pending before the Family Court, Shahjahanpur.

9. On due consideration to the arguments advanced by learned counsel for the parties as well as learned A.G.A., considering the nature of accusations and antecedents of the applicant being explained and taking into consideration that the victim herself is a married woman, the applicant is liable to be enlarged on anticipatory bail in view of the judgment of Supreme Court in the case of "***Sushila Aggarwal Vs. State (NCT of Delhi)***, (2020) 5 SCC 1". 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.

10. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Krantiveer Singh** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i). that the applicant shall make himself available for interrogation by a police officer as and when required;
- (ii). 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 from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicant shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicant shall not tamper with

the evidence during the trial;

(v). that the applicant shall not pressurize/ intimidate the prosecution witness;

(vi). that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

(vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

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

Order Date :- 7.12.2023

Vikas

[Krishan Pahal, J.]