

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10202 of 2023

Applicant :- Ravi Gaurav Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Bhushan Prasad, Dhirendra
Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.
2. Apprehending his arrest, the present anticipatory bail application has been filed on behalf of the applicant - **Ravi Gaurav Sharma** in Case Crime No.364 of 2021, under Sections 420, 506 I.P.C., Police Station Civil Lines, District Muzaffar Nagar, with a prayer to enlarge him on anticipatory bail.
3. It is alleged in the F.I.R. that the present applicant, who had been a marketing officer in Sri Sritatwa / Sri Vedasatva Pvt. Ltd., Bangalore, appointed the informant as distributor in the said Company and in connection with the business of the said Company, some cheques were issued in favour of the informant, which were dishonored. F.I.R. was lodged on 17.11.2021 and investigation started, which has been culminated into the charge-sheet.
4. It is submitted by the learned counsel for the applicant that the applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against her. He has been falsely implicated into this matter. Allegations levelled against the applicant are false. The investigation of the case has been completed and charge-sheet has been filed. It is further submitted that the applicant has no concern with M/s. Sabir Trading Company, Muzaffar Nagar and as a matter of fact, he is working as a marketing manager in Sri Sritatwa / Sri Vedasatva Pvt. Ltd., Bangalore. No money was given to the applicant by the informant and no cheque was issued by the applicant in favour of the informant, which is said to be dishonoured. It is further submitted that no money was ever

transferred in the bank account of the applicant. Moreover, it is a case of section 138 Negotiable Instrument Act and as such, no fraud has been committed by the applicant nor any wrongful gain has been obtained. It is further submitted that the applicant has been cooperative during the course of investigation. He has not been declared proclaimed offender by the trial court and now after filing of the charge-sheet, no custodial interrogation is required in this matter. Applicant has no criminal antecedents to his credit and as such he is entitled for anticipatory bail.

5. Per contra, learned A.G.A. for the State opposed the prayer for anticipatory bail, but however could not dispute this fact that the cheques alleged to have been dishonoured are not issued by the present applicant to the informant.

6. In the present matter, charge-sheet has been submitted and applicant has been cooperative during investigation. No custodial interrogation appears to be required in the matter.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has settled the controversy finally by holding the anticipatory bail need not be of limited duration invariably. In appropriate case, it can continue upto conclusion of trial.

It has been further held therein that anticipatory bail granted can, depending on the conduct and behavior of the accused, continue after filing of the charge sheet till end of trial.

It has been further held by the Hon'ble Apex Court that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. Hence, 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 of the merits of the case, in my view, it is a fit case for

anticipatory bail to the applicant till end of the trial in the matter.

9. The anticipatory bail application is **allowed**.

10. In the event of arrest of the applicant in the aforesaid case crime, he shall be released on anticipatory bail till end of the trial on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant shall make himself available before the court concerned on the date fixed in the matter;

(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 from disclosing such facts to the Court or to any police officer;

(iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. Concerned.

11. In case of default of any of the conditions, same may be a ground for cancellation of protection granted to the applicant.

Order Date :- 13.10.2023

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