

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 11395 of 2023

Applicant :- Jalaluddin

Opposite Party :- State of U.P.

Counsel for Applicant :- Maimoona Fatima, Mohd Nasir

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant **Jalaluddin** in Case Crime No.508 of 2023, registered under Sections 409, 420, 467, 468 and 471 IPC at Police Station- Atrauli, District Aligarh with a prayer to enlarge him on anticipatory bail.
3. As per prosecution story, the Members of the Management Committee of Waqf Kabristan and Dargah Peer were found involved in corruption in the extraction of revenue garnered from various fares and fete held therein.
4. Learned counsel for the applicant has stated that the applicant, who is the member of the Management Committee, has been falsely implicated in the present case. He has nothing to do with the alleged offence. Learned counsel has further stated that an inquiry was set up and on the basis of said inquiry report, the said FIR has been instituted and the applicant was appointed seven days before the initiation of the inquiry. Learned counsel has further stated that it is not alleged as to what amount of corruption has been committed by any of the Members of the Management Committee. It is also submitted that as a matter of fact the applicant was appointed as a Member of the Management Committee on 20.4.2023 and the complaint was made only 8 days after his joining on the said post. 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. There are no criminal antecedents of the applicant. The applicant has apprehension of his arrest. Learned counsel for 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. It is lastly submitted that co-accused Unis Ali, who was the Chairman of the Management Committee has been granted anticipatory bail by the coordinate Bench of this Court on 5.10.2023 vide Criminal Misc. Anticipatory Bail Application No. 10992 of 2023.

5. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

6. On due consideration to the arguments advanced by learned counsel for the applicant as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicant, 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**" till submission of police report under Section 173(2) CrPC. 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.

7. The application is **allowed** accordingly.

8. In the event of arrest of the applicant, 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 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. 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 office.

(ii) 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.

9. In case of default of any of the conditions, the Investigating Officer shall be at liberty to file appropriate application for cancellation of protection granted to the applicant.

Order Date :- 16.10.2023

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