

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11357 of 2023

Applicant :- Sahzad Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Saqib Meezan, Salman Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Vakalatnama filed today by Shri Adil Khan, Advocate for the informant is taken on record.
2. Heard Sri Saqib Meezan, learned counsels for the applicant, Shri Adil Khan, learned counsel for the informant and the learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant **Sahzad Ali** in Case Crime No.305 of 2022, registered under Sections 420, 467, 468, 471, 342, 323, 364-A, 506, 34 and 120-B IPC at Police Station- Rajabpur, District Amroha with a prayer to enlarge him on anticipatory bail.
4. As per prosecution story, on 29.11.2022 at about 8:00 a.m., the applicant and other co-accused persons are stated to have abducted the informant from Venkateshwara University. Subsequent to it, after keeping him in captivity, they are stated to have taken him to the office of Sub-Registrar, Dhanaura, whereby the applicant and other co-accused persons are stated to have executed six sale deeds of gata no.163 and are stated to have released him the same day. On 05.12.2022, it came to the knowledge of the informant that the said sale deeds have been executed.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The applicant himself is a victim as the informant did not carry any title of the said land, which is evident from annexure no.3 to the affidavit accompanying the anticipatory bail application, which indicates that already the father of the informant had sold the said land to the other persons and the present FIR is just a counterblast to save his skin by the informant. Learned counsel has further stated that the FIR itself is delayed by about 18 days and there is no explanation

of the said delay caused. 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. Lastly, it is submitted co-accused Hina Parveen, who is wife of the present applicant, and Sumaiya have been granted anticipatory bail by this Court on 29.8.2023 and 4.10.2023 vide Criminal Misc. Anticipatory Bail Application Nos. 9767 of 2023 and 10119 of 2023, respectively.

6. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the anticipatory bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

7. 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 the submission of the 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.

8. The application is **allowed** accordingly.

9. 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.

(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 office.

(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.

10. 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 :- 13.10.2023

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