

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11937 of 2023

Applicant :- Suraj Kumar Agrahari

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Bhavya Sahai

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Rejoinder affidavit has been filed today, is taken on record.
2. Heard Mr. Bhavya Sahai, learned counsel for the applicant, learned Additional Government Advocate for the State and Mr. Shashank Shekhar Mishra, learned counsel for the informant.
3. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.0181 of 2023, under Sections 419, 420, 467, 468, 471, 506 IPC, Police Station Rudhauri, District Basti.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, in fact, no such incident has taken place. The applicant has never committed any offence as alleged in the impugned FIR. Earlier, the applicant has sold his bus bearing registration no.UP-62 T-6900 to the informant. The said bus was insured with HDFC Ergo General Insurance Company Ltd. but unfortunately, just after sale of the bus, the bus was met with an accident and in the said accident, one person lost his life. He further submits that when the bus was sold to the informant, the bus was fully insured, but the informant, in order to shun his liability from the accident, falsely implicated the applicant. He further submits that the applicant has never prepared

any forged and fabricated insurance policy document even the insurance company never stated at any point of time that insurance policy document of four wheeler vehicle i.e. Tata Motors is forged and fabricated. There is no evidence against the applicant, hence, no offence is made out against the applicant. Prima facie no offence is made out against the applicant. The investigation is going on and till date no charge sheet has been filed. The applicant is having no previous criminal history as has been mentioned in paragraph 18 of the affidavit.

5. Learned counsel for the applicant further submits that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.

6. Learned A.G.A. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the applicant and has submitted that the applicant is a member of organized criminals, who prepare fabricated insurance policies to dupe innocent person and further inflict economic loss to the State. The applicant has provided a fabricated insurance policy to the informant, hence, rightly made an accused in the present case. The Insurance Company verified the details of insurance policy provided by the applicant, at the time of delivery of the vehicle, was issued for a two wheeler not for the said bus. Allegations are very serious and keeping in view the seriousness of the allegations made against the applicant, applicant is not entitled to grant of anticipatory bail. The apprehension of the applicant is not founded on any material on record. Only on the basis of imaginary fear, anticipatory bail cannot be granted.

7. In the light of above, looking to the facts and circumstances of

this case, submissions of learned counsel for the parties as mentioned above, taking into consideration the role assigned to the applicant as per prosecution case, gravity and nature of accusation, this Court is of the view that no case for exercising its discretionary power under Section 438 Cr.P.C. is made out in favour of the applicant.

8. Accordingly, this application under Section 438 Cr.P.C. is **dismissed.**

Order Date :- 16.12.2023

Ajeet