

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12107 of 2023

Applicant :- Vinod Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and also perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant **Vinod Kumar** in F.I.R./Case Crime No. 625 of 2022, under Sections 384, 376, 328, 120-B IPC and 67 of Information Technology Act, Police Station Kokhraj, District Kaushambi, with a prayer to enlarge him on anticipatory bail.
3. As per prosecution story, the named accused persons Ibrahim, Parveen and Reshma are stated to have made an indecent video of the informant and are stated to have made it viral on social media. The named accused persons are stated to have demanded ransom from her in lieu of the said video.
4. Learned counsel for the applicant has stated that the applicant is maliciously being prosecuted in the present case due to ulterior motive. The applicant has nothing to do with the said offence as alleged by the prosecution. Learned counsel has further stated that the applicant is not named in the FIR. It is further submitted that in her statement recorded under Section 164 CrPC has not stated the name of the present applicant, however, subsequently when her additional statement was recorded, she has specifically named the co-accused Daya Shankar and when the said accused person was arrested by the police, he has named the present applicant to be involved in the said crime. Learned counsel has stated that the said statement of the co-accused is not admissible as per Section 26 of the Indian Evidence Act.
5. 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 no criminal antecedents. In case, the anticipatory bail application of the applicant is allowed, he will not misuse the liberty and shall cooperate with trial. It is lastly submitted that co-accused Loknath Singh having same role has been granted anticipatory bail by this Court on 17.4.2023 vide Criminal Misc. Anticipatory Bail Application No. 3764 of 2023.

6. On the other hand, learned A.G.A. has vehemently opposed the prayer for grant of anticipatory bail but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

7. On due consideration to the arguments advanced by the learned counsel for the parties and in view of the law laid down by the Apex Court in the case of "**Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98**", in my view, the applicant is entitled to be granted anticipatory bail in this case till the submission of police report under Section 173(2) CrPC.

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 :- 3.11.2023
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