

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12234 of 2023

Applicant :- Anil Kumar Mathur

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashutosh Singh, Aman Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Sri N.I. Jafri, learned Senior Counsel assisted by Sri Ashutosh Singh, learned counsel for the applicant and Sri R.P. Patel, 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 in Case Crime No.47 of 2023, registered under Sections 420, 467, 468, 471 and 120B IPC at Police Station- New Agra, District Agra with a prayer to enlarge him on anticipatory bail.
4. As per prosecution story, the District Judge, Agra is the ex-officio President of the society and he is stated to have appointed one Jitendra Pal Singh as Vice President vide order dated 30.08.2011. The said document is stated to have been found fake, as such the FIR was instituted against the said Vice President Jitendra Pal Singh.
5. Learned Senior Counsel for the applicant has stated that the applicant is not named in the FIR. He has nothing to do with the said offence. Learned Senior Counsel has also placed reliance on annexure no.8 filed with the affidavit accompanying the anticipatory bail application, whereby in the inquiry report also, the applicant has not been found guilty. The applicant was the Stenographer of the District Judge concerned at the said point of time and there are no allegations whatsoever against the applicant of having forged the said document. The allegations, if any, are against the named accused person Jitendra Pal Singh only.
7. Learned Senior Counsel for the applicant has further stated that the applicant has since retired and a senior citizen of 70 years of age is entitled for anticipatory bail. 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.

8. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application but could not dispute the very fact that the applicant is not named in the FIR and has no criminal antecedents to his credit.

9. On due consideration to the arguments advanced by learned Senior Counsel for the applicant as well as learned A.G.A., taking into consideration the very fact that the applicant is not named in the FIR and he has not been found guilty in the inquiry report coupled by the fact that the applicant has no criminal antecedents, 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". 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.

10. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Anil Kumar Mathur** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i). that the applicant shall make himself available for interrogation by a police officer as and when required;
- (ii). that 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 from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicant shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;
- (v). that the applicant shall not pressurize/ intimidate the prosecution witness;
- (vi). that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

(vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 07.11.2023

Ravi Kant

(Krishan Pahal, J.)