

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12588 of 2023

Applicant :- Rajeev Kumar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Vandana Mishra, Anjul Dwivedi, Sai
Girdhar

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 and perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant **Rajeev Kumar Singh** in Case Crime No.0119 of 2022, registered under Sections 419, 420, 409, 506 IPC at Police Station- Chetganj, District Varanasi with a prayer to enlarge him on anticipatory bail.
3. As per prosecution story, the applicant in collusion with the other office bearers of the company is said to have duped various persons of their hard earned money who invested with the company to provide them plots in the society being developed by it.
4. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. The applicant is not a beneficiary of the company. He is simply an employee being designated as Sales Manager with it for the salary of Rs.12,000/- per month. Learned counsel has further stated that there are no previous criminal antecedents of the applicant except the twelve cases instituted against him pertaining to the same nature and the same company. The applicant is not a previous convict. 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. 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 the co-

accused Amit Jaiswal @ Amit Kumar Jaiswal and Piyush Kumar Baranwal have been granted anticipatory bail by this Court on 17.10.2022 and 14.12.2022 vide Criminal Misc. Anticipatory Bail Application Nos. 9528 of 2022 and 12438 of 2022, respectively.

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 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**" and without expressing any opinion upon ultimate merits of the case either ways which may adversely affect the trial of the case, in my view, the applicant is entitled to be granted anticipatory bail in this case till submission of police report under Section 173(2) CrPC before the Competent Court.

7. The anticipatory bail 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.

(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.

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 :- 30.11.2023

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