

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13729 of 2023

Applicant :- Abhijit Shukla

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjeev Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant and 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 **Abhijit Shukla** in F.I.R./Case Crime No. 200 of 2023, under Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act, 1956, Police Station Rail Bazar, District Kanpur Nagar, with a prayer to enlarge him on anticipatory bail.

3. As per prosecution story, the manager of the hotel of the co-accused was arrested by police on 07.10.2023 being found involved in immoral trafficking.

4. Learned counsel for the applicant has stated that the applicant is maliciously being prosecuted in the present case due to ulterior motive and has apprehension of his arrest. He has nothing to do with the said offence as alleged by the prosecution. Learned counsel has further stated that the said arrested co-accused person has been enlarged on regular bail by the court concerned. The applicant has nothing to do with the day-to-day affairs of the hotel. The arrested victims have categorically denied being subjected to force by the applicant or any other person. It is also submitted that the name of the applicant brought into light on the basis of statements of some victims of this case recorded under Section 164 CrPC wherein he has been named as Raj Shukla and only this much has been stated that he is also involved in the present crime but however no specific role was assigned to the present applicant and in the F.I.R itself his name has been mentioned as Raj Shukla. It is also submitted that main accused Raju Sharma has been granted anticipatory bail by this Court on 6.12.2023 vide Criminal Misc. Anticipatory Bail Application No. 12652 of 2023. 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. It is further submitted that the applicant has no criminal history. In case, the anticipatory bail application of the applicant is allowed, he will not misuse the liberty and shall cooperate with trial.

5. 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.

6. Considering 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**", without expressing any opinion upon ultimate merits 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 of the applicant 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 :- 12.12.2023

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