

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 13879 of 2023

Applicant :- Arjun Prasad Shukla

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ramesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ramesh Kumar Shukla, learned counsel for the applicant and Sri Ashutosh Srivastava, learned A.G.A. for the State and also perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 0231 of 2021, under Sections 419, 420, 467, 468, 471, 474 of IPC, Police Station Khakhru, District Fatehpur, with a prayer to enlarge him on anticipatory bail.
4. As per prosecution story, the applicant is stated to have issued two kisan credit cards in the name of fake persons by filing fake documents and had withdrawn an amount of Rs.4.45 lakhs and 3.31 lakhs, respectively from their accounts.
5. 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 applicant is a bonafide person and has acted on the advise of Advocate who had given the statement of the said documents being genuine. The applicant was never suspended and he has instead been promoted. The forgery committed, if any, may be assigned to the Advocate who issued the validity certificates of the documents.
6. 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. Being a Government official, there is no likelihood of the applicant absconding. In case, the anticipatory bail application of the applicant is allowed, he will not misuse the liberty and shall cooperate with trial.
7. 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.

8. Considering the arguments advanced by the learned counsel for the parties, nature of accusations and antecedents of the applicant, the applicant is liable to be enlarged on anticipatory bail in view of the law laid down by the Apex 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 Apex Court.

9. Without expressing any opinion upon ultimate merits of the case either ways which may adversely affect the trial of the case, the anticipatory bail application of the applicant is **allowed**.

10. In the event of arrest of the applicant, **Arjun Prasad Shukla** involved in the aforesaid case crime number, shall be released on anticipatory bail till the conclusion of trial on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Presiding Officer/Court Concerned, with the conditions that:-

- 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 previous permission of the court;
- iv. that 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;

11. In case of breach of any of the above conditions, the court concerned shall have the liberty to cancel the bail granted to the applicant.

12. It is made clear that observations made in granting anticipatory bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Justice Krishan Pahal)

Order Date :- 16.12.2023

Siddhant