

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2210 of 2023

Applicant :- Anshuman Srivastava

Opposite Party :- State Of U.P. Thru. Secy. Home Civil Sectt.
Lko. And Another

Counsel for Applicant :- Dharmendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dharmendra Gupta, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 291 of 2021, under Sections 120-B, 406, 420, 467, 468, 471, 504 & 506 IPC, Police Station Mahanagar, Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 06.11.2021 against three persons, including the applicant, stating that the informant is a doctor working in a nursing institute on the post of Professor Nursing. The applicant was known to him since the year 2011 and in the year 2019, he told the informant that he was running a placement agency, through which several persons got employed in government service. The informant paid a total of Rs. 67 lakh for getting his brother, nephew and wife employed and several other persons paid money for getting employed through the informant. The FIR further states that when the persons could not get employment, the informant had signed promissory notes for refund of money.
4. In the affidavit filed in support of the application, it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.
5. The learned counsel for the applicant has submitted that an FIR bearing Case Crime No. 35 of 2021 has been lodged in Police Station Jalupura, District Jaipur on similar allegations against the informant himself.
6. Co-accused Ravendra Kumar has been granted anticipatory

bail in the present case by means of an order dated 09.03.2022 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 354 of 2022. Arrest of the other co-accused Mamta Devi has been stayed by means of an order dated 27.11.2021 passed by a Division Bench of this Court in Writ Petition No. 27692 (M/B) of 2021.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the FIR allegations itself it appears that the informant himself was involved in extraction of money from people in the name of getting them employed and he has lodged an FIR after failing in this endeavour; that the applicant has no previous criminal history and that a co-accused person, against whom similar allegations have been levelled, has already been granted anticipatory bail, I am of the view that the applicant is also entitled to be granted anticipatory bail in the present case.

8. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Anshuman Srivastava*** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(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 pressurize/ intimidate the prosecution witness.

Order Date :- 10.10.2023

Pradeep/-