

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 1988 of 2022

Applicant :- Anuj Kumar Dwivedi

Opposite Party :- State Of U.P. Thru Prin Secy Home Lko

Counsel for Applicant :- Piyush Agnihotri, Gaurav Singh, Shailesh Sachan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shailesh Sachan, the learned counsel for the applicant as well as Smt Parul Kant, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.226 of 2018, under Sections 3/7 Essential Commodities Act, registered at Police Station Qaiserbagh, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.09.2018 against four persons, including the applicant, alleging that commodities were being taken from a fair price shop by tampering adhar card of beneficiaries stored in the database. The applicant is mentioned as local technical person in the FIR.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is 26 years old innocent person, he has no criminal history and he has falsely been implicated in the present case. He is working as hardware support person and he has nothing to do with software.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a young man having

no criminal history and that the offence alleged carry a maximum punishment of imprisonment up to 7 years, coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Anuj Kumar Dwivedi** before the learned Trial Court in the aforesaid case crime, 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;

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(Subhash Vidyarthi, J.)

Order Date :- 2.11.2023
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