

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2248 of 2023

Applicant :- Dhodhey Alias Taj Mohammad

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

Counsel for Applicant :- Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rahul Mishra, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking anticipatory bail in Case Crime No. 81 of 2023, under Sections 386, 504, 507 I.P.C., registered at Police Station Aliganj, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.04.2023 stating that some days' ago, the informant had received phone calls from two mobile numbers threatening him in the name of Dilip Verma and on the date of the F.I.R. he was again threatened from a call made on his mobile phone. Although, initially the F.I.R. was lodged under Section 507 I.P.C., but after investigation the police submitted a charge sheet under Section 386 I.P.C.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of 12 cases has been disclosed in para 11 of the affidavit. The applicant has already been enlarged on bail in all cases. It is also submitted that the mobile numbers in question do not belong to the applicant and he has been implicated on the basis of statement of one Mohd. Shadan, who stated that the applicant and one Fareed alias Babu had taken away his sim cards and he suspected that the applicant and Fareed would have extended the threats using his sim cards.

5. The co-accused Fareed alias Babu has already been granted bail by means of an order dated 04.07.2023 passed by this Court in Criminal Misc. Bail Application No. 8053 of 2023.

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

7. Having considered the aforesaid facts and circumstances of the case, what prima facie appears is that there is no specific allegation in the F.I.R. regarding threats extended; moreover there is nothing on record to prima facie establish that the threats have been extended by the applicant; there is nothing on record which may prima facie establish that informant had been put in fear of death or grievous hurt by the applicant and without making any observation, which may affect the merits 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.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Dhodhey Alias Taj Mohammad** 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 :- 13.10.2023

Pradeep/-