

**Court No. - 16**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 2250 of 2023

**Applicant :-** Subrat Ali (Driver)

**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Deptt.  
Home, Lucknow

**Counsel for Applicant :-** Dr. Ajai Pratap Singh Chauhan, Amar  
Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Dr. Ajai Pratap Singh Chauhan, 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. 53 of 1989, under Sections 342, 330, 304 IPC, Police Station Nawabganj, District Gonda.
3. The aforesaid case has been registered on the basis of an FIR lodged on 13.04.1989, alleging that the Station House Officer had taken the informant's father at 11:00 a.m. on 18th May and had beaten him till evening. Thereafter, he was left at his home, where he died.
4. In the affidavit filed in support of the application it has been stated that the applicant was working as a driver in the police department and was posted at the police station concerned, therefore, he has been implicated in the present case. The applicant retired on 28.02.2013 and no notice or summons were served on the applicant till date. The applicant attend the age of 70 years.
5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR levels allegations against the Station House Officer of the Police Station whereas the applicant was posted as merely a driver and presently he has attained the age of 70 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.

6. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Subrat Ali (Driver)*** before the learned Trial Court in the aforesaid 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/-