

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2567 of 2023

Applicant :- Nand Lal Kanojiya

Opposite Party :- State Of U.P. Thru. Prin. Secy. / Addl. Chief Secy. Lko. And Another

Counsel for Applicant :- Harsh Vardhan Kediya, Harish Pandey, Nadeem Murtaza, Vinay Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Nadeem Murtaza, the learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. appearing on behalf of the State as well as Sri Sanjay Kumar Bajpai, the informant in person 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. 349 (I) of 2012, under Sections 406, 420, 506, 120-B I.P.C., registered at Police Station Krishna Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.02.2014 against 23 named persons, including the applicant and the State of U.P., alleging that the applicant had purchased a policy from V Care Multitrade Pvt. Ltd. Company and had paid Rs.30,000/- to the Company. The informant was told that if two more persons purchased policy through him, the second year's premium of the informant's policy will be paid by the Company and he will be paid benefits depending upon number of persons, who would take policy of the Company through the informant. The informant purchased policy in his own name, in the names of his wife, daughter and other relatives and several other persons bought policies through the applicant but the Company did not pay second year's premium in respect of any of the policies and the policies got lapse.
4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, he has falsely been implicated in the

present case and he has no criminal history.

5. It has further been stated in the affidavit that the applicant himself had purchased a policy from the Company, like the informant and as per the Companies policy, he had persuaded other persons to purchase policy from the Company.

6. After investigation, a charge sheet has been submitted on 09.12.2021 against ten persons including the applicant.

7. The informant in person has vehemently opposed the application and he has submitted that the Company had promised benefits of waiver of second year's premium and other monetary benefits depending upon the number of persons who purchased policies through the informant and the benefits have not been paid /provided to him.

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

9. From the material available before this court at this stage, prima facie it appears that the grievance of the informant is regarding non payment of money and other benefits under a contract of policy entered into between the informant and the Company. The applicant is neither a director nor other principle position holder in the Company. It appears that besides lodging of the F.I.R, the informant has not initiated any proceedings for recovery of money payable under the contract with the Company.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that that 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.

11. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Nand Lal Kanojiya**

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;

(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023
Preeti.