

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2422 of 2023

Applicant :- Shiv Sachdev

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

Counsel for Applicant :- Pranjal Krishna

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pranjal Krishna, the learned counsel for the applicant as well as Sri Vinod Kumar Shahi, learned Additional Advocate General assisted by Sri Anurag Verma, 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.0401 of 2023, under Sections 279, 304-A and 427 I.P.C., registered at Police Station - Sushant Golf City, District - Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.08.2023 against unknown driver of the vehicle alleging that when the informant's son and his nephew were returning at about 01.00 AM on 31.07.2023 after delivering some products ordered through Zomato App, the vehicle driver hit his motorcycle, dragged it for about 100 metres and thereafter escaped after leaving his vehicle on the spot.
4. In the affidavit filed in support of the anticipatory bail-application it has been stated that the applicant is an eighteen years old innocent person having no criminal history and he is studying in Class-XII in a reputed school. It has been further stated that the unfortunate incident was the outcome of an accident and there was no motive involved behind it.
5. Sri Vinod Kumar Shahi, learned Additional Advocate General has opposed the prayer for bail and has submitted that two young persons have loss their lives in the incident and therefore, the applicant is not entitled to be granted pre-arrest bail.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is an eighteen years' old student of Class-XII having no criminal history and his incarceration would ruined his career 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- **Shiv Sachdev** 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;

Order Date :- 31.10.2023

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