

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2507 of 2023

Applicant :- Anil Mishra

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

Counsel for Applicant :- Rishad Murtaza, Aishwarya
Mishra, Arnav Prakash Tikku, Syed Ali Jafar Rizvi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rishad Murtaza, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 004 of 2021, under Sections 406, 420, 467, 468 and 471 IPC, Police Station Hazratganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 05.01.2021 against the applicant, who is the proprietor of M/s Digitanics Infosys, and his employees, alleging that M/s Digitanics Infosys was awarded work order dated 12.04.2018 for carrying out certain computer networking works under which the applicant was required to install computer software. The FIR alleges that the applicant obtained Rs.14,73,015/- without carrying out any work. A notice dated 28.10.2020 was issued to the applicant to show cause as to why his organization should not be blacklisted.
4. The applicant had filed Writ Petition No.1834 (M/B) of 2021 challenging the validity of the order dated 02.12.2020 and the operation of the order was stayed by means of interim order dated 27.01.2021. The applicant had filed Writ Petition No.3779 (M/B) of 2021 challenging the validity of the FIR and his arrest was stayed by means of interim order dated 09.02.2021. The applicant has approached this Court after submission of charge sheet.
5. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.

6. Learned A.G.A. has opposed the prayer for bail and has submitted that work completion certificate issued in favour of the applicant has been found to be forged.

7. Replying to the aforesaid objection, learned counsel for the applicant has submitted that the applicant has successfully installed requisite software and has imparted training to the employees and the officials.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant's arrest was stayed by a Division Bench of this Court earlier; that the charge sheet has already been submitted, there appears to be no need for the applicant's custodial interrogation and also 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.

9. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of **applicant-Anil Mishra** 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 :- 7.11.2023
Renu/-