

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438

CR.P.C. No. - 2531 of 2023

Applicant :- Sachin Yadav

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

Counsel for Applicant :- Vivek Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Srivastava, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A. for the State and perused the records.

2. The instant application under Section 438 Cr.P.C. has been filed seeking release of the applicant on anticipatory bail in Case Crime No. 141 of 2023, under Sections 411, 414, 419, 420, 467, 468, 471, 34 I.P.C., registered at Police Station Munshiganj, District Amethi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.07.2023 by an Inspector of police against four persons, including the applicant, on the basis of information received from a mukhbir, alleging that co-accused-Virendra Pratap Singh @ Ankit Singh and Rupak Singh were apprehended and two stolen motorcycles were recovered from their possession and they admitted that they had got those motorcycles financed from the bank on the basis of forged documents. They stated that other the applicant and another accused person were also involved in commission of the offence.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. Co-accused Rupak Singh has been granted bail by means of the order dated 28.08.2023 passed in CRIMINAL MISC BAIL APPLICATION No.10736 of 2023.

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

the investigation of the case is going on.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the alleged recovery has not been witnessed by any independent witness and that although the FIR lodged by the Inspector alleges that the accused persons obtained loans from the bank on the basis of forged documents, no complain has been lodged by the Bank in this regard; that the applicant has no previous criminal history and he is languishing in jail since 30.07.2023 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 enlargement of the applicant on anticipatory bail in the aforesaid crime.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-- Sachin Yadav** 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 :- 7.11.2023
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