

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2566 of 2023

Applicant :- Dileep Kumar Yadav Alias Dileep Yadav

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

Counsel for Applicant :- Subhash Chandra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Subhash Chandra Yadav, the learned counsel for the applicant as well as Sri Anurag Verma, learned A.G.A-I 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. 55 of 2022, under Sections 394 I.P.C., registered at Police Station Aspurdevsara, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.03.2022 alleging commission of the offence of chain snatching by two borne miscreants while the informant was performing her duties as Siksha Mitra in her School.
4. The police claims to have arrested one Pawan Yadav on the basis of information received from a mukbhir and the applicant has been implicated in the present case on the basis of his custodial statement.
5. The informant has given an affidavit before the Superintendent of Police stating that the applicant is related to her, the police is falsely implicating him in the present case and the applicant has no concern with the offence in question.
6. The applicant's criminal history of five cases has been described in para 18 of the affidavit filed in support of the anticipatory bail application.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the statement given by the informant in court that the applicant is not involved in the present case 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 applicants is **allowed**. In the event of arrest/ appearance of applicant- **Dileep Kumar Yadav Alias Dileep 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;

(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023

Preeti.