

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2606 of 2023

Applicant :- Neeraj Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Govt. U.P. Lucknow And 2 Others

Counsel for Applicant :- Sagar Singh, Shri Ram Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sagar Singh, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned Additional Government Advocate appearing on behalf of the State, Kumari Mithilesh Singh, the learned counsel for the informant 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. 4 of 2022, under Sections 419, 420, 323, 342 IPC, Police Station Fatehpur Chaurashi, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.01.2022 against eight persons, including the applicant, stating that the informant's younger brother Surendra Singh is mentally unfit to some extent. Co-accused Gita Devi, who is the informant's younger sister, took Surendra Singh to her home and in connivance with the informant's elder sister-co-accused Malti Devi, she got a sale deed executed by the informant's younger brother Surendra Singh. The applicant is husband of co-accused Gita Devi and it is alleged that he was also involved in the conspiracy for commission of offence.

4. The learned counsel for the informant has vehemently opposed the application and she has submitted that the accused persons have deceived the informant's brother who is medically unfit.

5. In the affidavit filed in support of the application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant's wife-co-accused Gita Devi has been granted anticipatory bail by means of an order dated 02.03.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 470 of 2023, arrest of three co-accused persons have been stayed by means of an order dated 28.11.2022 passed by this Court in Application U/S 482 Cr.P.C. No. 8719 of 2022 and 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 during pendency of the trial.

8. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Neeraj Kumar*** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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 :- 9.11.2023

Pradeep/-