

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2597 of 2023

Applicant :- Adarsh Agrahari

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

Counsel for Applicant :- Ajeet Pratap Singh, Syed Mohd.
Afzal, Zia Ul Qayum

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Zia Ul Qayum (Jilani), the learned counsel for the applicant, Sri Rakesh Kumar 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. 707 of 2021, under Sections 409, 420, 120-B, 467, 468, 471 IPC, Police Station Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 15.09.2021 against three persons, including the applicant describing him as employee of the Shine Infra Project Private Ltd., alleging that informant had purchased a plot on 21.10.2014 through the applicant but she could not get the plot.
4. In the affidavit filed in support of the application, it has been stated that the applicant has no concern with aforesaid company and he is, in fact, the victim of the offence committed by the company as he has invested Rs.41,35,000/- in the company, which vanished.
5. The applicant's involvement in four other cases has been disclosed in para 35 of the affidavit, one of which the applicant has been granted bail.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievance of the informant is regarding non delivery of possession of a plot of land purchased from the company in the year 2014 and the FIR has been lodged in the year 2021; the informant herself describes the informant as an employee of the company, which fact is disputed by the applicant and, in any case, it is nobody's case that the applicant is a Director of the company and/or

holds any other principal position in the company 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-Adarsh Agrahari** 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 :- 9.11.2023

Renu/-