

**Court No. - 16**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION

U/S 438 CR.P.C. No. - 2633 of 2023

**Applicant :-** Anil Sharma

**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home

**Counsel for Applicant :-** Anita

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Ms Anita, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned Additional Government Advocate 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.151 of 2023, under Sections 392, 411, 120B I.P.C., 3/25 Arms Act, registered at Police Station Ayodhya, District Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.03.2023 against the applicant and one Babloo, stating that the informant is a gold smith; co-accused Babloo Singh had offered to sell gold coins to him and when the informant had gone for the aforesaid purpose, co-accused Babloo Singh demanded money from him after threatening him with a country made pistol. However, the informant and his brother overpowered Babloo Singh and took him to police station. The informant stated that Babloo Singh has given effect to the incident under conspiracy with the applicant.

5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, and he has falsely been implicated in the present case. Applicant's involvement in 3 other cases has been

disclosed in para 14 and 15 of the affidavit in two of which he has been acquitted and in one case, the applicant has been granted bail.

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 FIR alleges commission of offence by co-accused Babloo Singh and the applicant has been implicated merely saying that he is involved under the conspiracy and there is no averment of any act of commission of the offence, coupled with the fact 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.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant**-Anil Sharma 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 :- 9.11.2023**  
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