

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2604 of 2023

Applicant :- Ajeet Kumar Singh

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

Counsel for Applicant :- Ranjeet Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ranjeet Singh, learned counsel for the applicant, Sri Rakesh Kumar Singh, learned Additional Government Advocate and perused the record.
2. By means of the instant application, the applicant seeks anticipatory bail in Case Crime No. 0372 of 2021, under section 409 IPC, P.S. Pasgawan, District Kheri.
3. The aforesaid case has been registered on the basis of a First Information Report registered on 24.09.2021 against three persons, including the applicant, stating that the applicant is a Head Constable and he was commander of a DIAL 112 PRV vehicle. The applicant himself told that he had gone to attend call of nature after leaving his service pistol in the care of other two co-accused persons and the pistol went missing.
4. In the affidavit filed in support of the 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.
5. A departmental inquiry was held on the same set of allegations in which the circle officer has submitted a report on 27.09.2021 indicating that aforesaid conduct amounts to negligence and performance of the applicant's duties.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a Head Constable and there appears to be no apprehension of his absconding from the process of law; that in a departmental inquiry on the same set of facts he has been held guilty of negligence and that the applicant has no criminal history 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 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-Ajeet Kumar Singh** 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/-