

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2687 of 2023

Applicant :- Umashankar Gupta

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

Counsel for Applicant :- Ashish Raman Mishra

Counsel for Opposite Party :- G.A.,Sandeep Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Raman Mishra, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned Additional Government Advocate appearing on behalf of the State and Sri Sandeep Singh, the learned counsel for the informant.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.320 of 2023, under Sections 323, 386, 506 I.P.C., registered at Police Station Kotwali Dehat, District Bahraich.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.07.2023 against four persons, including the applicant, alleging that the informant expects to get rupees one crore under the orders passed by this court on 28.03.2023 and with the intention of grabbing this money the co-accused Sheetal Singh called the informant to her home where the applicant and other co-accused persons were also present and after threatening the informant with a country made pistol and a knife an obscene video was prepared and under threat of spreading the video virally the money was demanded from him.

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

5. The learned A.G.A. has opposed the prayer for bail. On the basis of instructions, he has stated that no such video as has been alleged has been produced before the Investigating Officer which may support the F.I.R. allegations.

6. Having considered the aforesaid facts and circumstances of the case 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.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Umashankar Gupta** 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.

Order Date :- 28.11.2023
Ram.