

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2723 of 2023

Applicant :- Vikram Singh

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

Counsel for Applicant :- Santosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Santosh Kumar Singh, 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. 503 of 2019, under Sections 147, 342, 323, 504, 507, 419, 420, 467, 468, 471, 120-B IPC, Police Station Cantt. District Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.12.2019 against one Raghvendra Singh Bisen and an unknown person, alleging that the accused persons had forcibly taken away a truck which had taken into possession by its financer Sri Ram Transport Fiance Company Limited and had abducted the truck driver also. Thereafter they abducted another employee of the company.

4. In the statement of the abducted truck driver Chet Ram, he did not mention the applicant's name. The applicant has been implicated on the basis of information received from a mukhbir, who stated that the applicant was involved in preparation of documents for closure of hypothecation in RTO records.

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

5. Prem Chandra Yadav, Branch Manager of Sri Ram Transport Finance Company Limited has given an affidavit to the Superintendent of Police levelling allegations against certain persons but he has also not mentioned the applicant's name in

the affidavit.

6. Learned AGA has opposed the bail application and on the basis of instructions received by him, he has stated that an employee of the company Abhishek Srivastava has stated that the company assumes that the applicant is also involved in commission of the offence.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named either in the FIR or in the statement of the abducted truck driver or in the affidavit of the Branch Manager given to the Investigating Officer; that he has been implicated solely on the basis of information received from a mukhbir and subsequent statement of an official of the company stating that the company **assumes** that the applicant is also guilty 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-**Vikram Singh** 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 :- 28.11.2023

Pradeep/-