

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2753 of 2023

Applicant :- Surjeet Singh

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

Counsel for Applicant :- Mohit Nigam, Arun Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. The advocates are abstaining from judicial work today. However, as the question of personal liberty of the applicants is involved in the present case, I proceed to examine the merits of the case after perusal of record and with the assistance of Sri Rakesh Kumar Singh, the learned A.G.A appearing on behalf of the State.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 13 of 2016, under Sections 420, 467, 468, 471 I.P.C., registered at Police Station Umari Begamganj, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.01.2016 against the applicant, his wife Bandana and Ayodhya Prasad Singh, it has been alleged that the applicant got procured a quota to sell 502 quintal sugarcane to a sugar mill in the name of his wife -Bandana (co-accused), whereas Bandana does not hold any agricultural land. It was alleged that the accused persons purchased sugarcane from farmers at low prices and sold the same to the sugar mill thereby they earn profits illegally.

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

5. It has further been submitted that one of the co-accused persons, namely, Bandana Singh, has already been granted anticipatory bail by means of an order

dated 09.11.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 2585 of 2023.

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 accused person, in whose name the sugarcane purchased slips were issued, has already been granted anticipatory bail, I am of the view that the applicant is also entitled to be granted anticipatory bail in the aforesaid case crime.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Surjeet Singh** 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 :- 1.12.2023

Preeti.