

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2820 of 2023

Applicant :- Saraswati Devi And 2 Others

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

Counsel for Applicant :- Yogeshwar Sharan Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Yogeshwar Sharan Srivastava, the learned counsel for the applicants as well as Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No.0039 of 2021, under Sections 420, 467, 468, 471, 409, 174, 201, 120-B I.P.C. and Section 3/7 Essential Commodities Act, registered at Police Station Chhapiya, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.10.2021 against four persons including the applicants alleging commission of irregularities in distribution of food-grains under Public Distribution System.
4. The applicants were granted anticipatory bail by means of two separate orders but the operation of the anticipatory bail orders was restricted till filing of the report under Section 173 (2) Cr.P.C.
5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants are innocent, they have no criminal history and they have falsely

been implicated in the present case.

6. As the applicants have already been granted anticipatory bail in the present case by reasoned orders after being satisfied that a case is made out for grant of anticipatory bail to them but the operation of the order was restricted till filing of a police report, whereas the Hon'ble Supreme Court has laid down that the operation of anticipatory bail need not necessarily be restricted till filing of a police report and keeping in view the fact that the applicants have 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 applicants till conclusion of trial.

7. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of **applicants-Saraswati Devi, Shyam Kishor and Kewal Pati** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail on their 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 applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants 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 applicants shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 13.12.2023
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