

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2865 of 2023

Applicant :- Harish Yadav

Opposite Party :- State Of Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Tajdar Ahmad, Amandeep Singh, Sachin Upadhyay, Shivendra S Singh Rathore

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shivendra Shivam Singh Rathore, 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 perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 531 of 2023, under Sections 170, 419, 420, 467, 468, 471, 120-B IPC, Police Station Vibhuti Khand, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.10.2023 against four persons, including the applicant, stating that information was being received that some persons falsely projecting them to be holding high position in the government offices were duping people in the name of getting their works done. In furtherance of the aforesaid information, the police arrested two co-accused persons and in their custodial statement, they inter alia stated that they were in talks with the applicant, who is a Director, MSME, for getting some benefits to some other persons through the applicant.
4. In the affidavit filed in support of the application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.
5. It has further been stated that the applicant is not director but he is posted as Deputy Director and he has not given any assurance to get any illegal work done to any person.
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 applicant has been implicated in the present case solely on the basis of custodial statement of co-accused persons and even in that statement there is no allegation of any offence having been committed by applicant and that the applicant a government officer and there is no reasonable apprehension of his absconding from the process of law 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-***Harish Yadav*** 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 :- 14.12.2023

Pradeep/-