

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2912 of 2023

Applicant :- Vikram Prasad And 13 Others

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

Counsel for Applicant :- Pankaj Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pankaj Pandey, the learned counsel for the applicants as well as Sri Jayant Singh Tomar, 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 applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.2354 of 2016, under Sections 147, 148, 149, 323, 504, 506, 332, 333, 353, 336, 341, 427, 307 I.P.C. and Section 3/4 of Prevention of Damages to Public Property Act, 1984 and Section 7 of Criminal Law Amendment Act, registered at Police Station Malhipur, District Shrawasti.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.10.2016 against 54 persons including the applicants stating that the accused persons were doing a procession with an idol of a deity through a route different from the usual route. Some persons from another community were objecting against it, whereupon the accused persons caused road blockade due to which the public order was disrupted. The accused persons also indulged in damaging the public property and brick batting causing injuries to some persons.

5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants is innocent, they have no criminal history and they have falsely been implicated in the present case. The investigation in the matter has been completed and a charge sheet has already been submitted on 22.03.2018. A copy of the relevant extracts of case diary has been annexed with the affidavit filed in support of the application, wherein the Investigating Officer has stated that in case the co-accused persons are arrested there is a possibility of damage to communal harmony. There is no possibility of the applicants absconding from the process of law and there is no necessity of arresting the person and they have no criminal history.

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 investigation already stands completed as such there is no need for custodial interrogation of the applicants coupled with 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.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of **applicants-Vikram Prasad, Raj Kumar, Mooney @ Ram Sagar, Amar Pal, Ramteerath, Kripa Ram, Pujari Ram, Medai @ Barsati, Chhitan, Dinesh Kumar, Parshuram, Changur, Praveen, Harish Chandra** 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 :- 16.12.2023
Ram.