

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2908 of 2023

Applicant :- Sarvesh Singh And 4 Others

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

Counsel for Applicant :- Dharmendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dharmendra Pratap Singh, the learned counsel for the applicants as well as Ms. Charu Singh, learned A.G.A. 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. 44 of 2012, under Sections 379, 411 I.P.C. and Section 2/3 of Prevention of Damage to public Property Act, registered at Police Station Pisawan, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.04.2012 against four named persons including the applicant no. 5 and four unnamed persons, stating that the accused persons had cut down two eucalyptus trees and had hidden the same in a sugarcane field, which did not belong to any of the applicants.
4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicants are innocent, they have falsely been implicated in the present case and they have no criminal history.
5. The learned counsel for the applicants has submitted that the applicants have been summoned only in July, 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 applicants have been implicated in the present case merely for the reason that two eucalyptus trees were found hidden in a sugarcane field, which did not belong to any of the applicants and that there is no eye witness of cutting of the trees, 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- **Sarvesh Singh, Kallu @ Sachendra Singh, Vikram Singh, Bhanu Singh and Funnai @ Narendra 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 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;

(Subhash Vidyarthi, J.)

Order Date :- 16.12.2023

Preeti.