

Court No. - 70

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 11890 of 2024

Applicant :- Sanjay Baghel

Opposite Party :- State of U.P.

Counsel for Applicant :- Brijesh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant anticipatory bail application has been moved by the applicant for enlarging him on bail in Case Crime No. 403 of 2024, under Sections 60, 306 B.N.S., Police Station Etmaddaula, District Agra.
3. It is submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated in the present case due to ulterior motive. The applicant is an employee of the informant's factory and no offence under sections 60 & 306 B.N.S. is made out against the applicant. Applicant has been implicated in the present case being employee of the informant's factory. There is no averment that CCTV footage has been found in which the applicant is shown. Investigation is going on. Applicant has no criminal history. It is submitted that the applicant is apprehensive of imminent arrest. In case, the applicant is released on bail, he would not misuse the liberty of bail and would cooperate with the investigation.
4. Learned A.G.A. has vehemently opposed the prayer for bail and has submitted that on perusal of FIR, offence under sections 60 & 306 B.N.S. is prima-facie made out against the applicant and investigation is under progress. Applicant is named in the FIR. It is not a case of false implication. Ten persons are named in the FIR and five to ten persons are not named in the FIR. The applicant is not entitled for any indulgence by this Court. Hence, the anticipatory bail application of the applicant may be rejected.
5. The object of Section 438 of the Code of Criminal Procedure is that a person should not be unnecessarily harassed or humiliated in order to satisfy personal vendetta or grudge of complainant or any other person operating the things directly or from behind the

curtains.

6. It is well settled that discretionary power conferred by the legislature on this Court cannot be put in a straitjacket formula but such discretionary power either grant or refusal of anticipatory bail has to be exercised carefully in appropriate cases with circumspection on the basis of the available material after evaluating the facts of the particular case and considering other relevant factors (nature and gravity of accusation, role attributed to accused, conduct of accused, criminal antecedents, possibility of the applicant to flee from justice, apprehension of tempering of the witnesses or threat to the complainant, impact of grant of anticipatory bail in investigation or society etc.) with meticulous precision maintaining balance between the conflicting interest, namely, sanctity of individual liberty and interest of society.

7. Considered the argument raised by both the parties. Applicant is named in the FIR and he is an employee of the informant's factory, cannot be ruled out. Police interrogation is necessary. On perusal of contents of FIR, offence under sections 60 & 306 B.N.S. is made out. No interference is warranted. Without expressing any opinion on merits of the case and considering the submissions advanced, the nature and gravity of the accusation, I find no good ground for anticipatory bail to the applicant in the aforesaid case.

8. Accordingly, the anticipatory bail application of the applicant- **Sanjay Baghel**, involved in aforesaid case crime number is, hereby, **rejected**.

Order Date :- 20.12.2024
SKD