

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2069 of 2024

Applicant :- Ram Milan Sharan

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

Counsel for Applicant :- Gulam Rabbani

Counsel for Opposite Party :- G.A.,Akhilesh Kumar
Pandey,Swadha Gupta

Hon'ble Karunesh Singh Pawar,J.

The present application has been filed by the applicant seeking anticipatory bail in case crime No.99 of 2023, under Sections 419, 420, 448, 506 Indian Penal Code, Police Station Kotwali Ayodhya, District Ayodhya.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

This Court while granting interim protection vide order dated 9.9.2024 has passed the following order:-

"1. The present anticipatory bail application has been filed by the applicant Ram Milan Sharan seeking anticipatory bail in case crime No. 99 of 2023, under Sections 419, 420, 448, 506 Indian Penal Code, Police Station Kotwali Ayodhya, District Ayodhya.

2. Heard learned counsel for the applicant and learned Additional Government Advocate for the State as well as perused the record.

3. Learned counsel for the applicant submits that the dispute appears to be civil in nature. During investigation the applicant has cooperated. Charge-sheet in the matter has been filed. The offence is triable by Magistrate. No purpose will be solved in

sending the applicants to jail. Learned counsel for the applicants undertakes that the applicants shall cooperate in the trial.

4. Learned Addl. Government Advocate has opposed the prayer for anticipatory bail and submitted that charge-sheet has been filed under Section 419, 420 Indian Penal Code only. He does not dispute that the applicants have cooperated in the investigation. He prays for two weeks' time to file objections/counter affidavit.

5. Issue notice to respondent No.2.

6. Steps be taken within a week.

7. Considering the above submissions advanced by learned counsel for the parties, perusal of the record and the facts that charge-sheet has been filed and during investigation the applicants were not arrested, undertaking given by the applicant that he will cooperate in the trial, as also the judgment in *Sushila Aggarwal and others versus State (NCT of Delhi)* and another (2020)5 SCC 1 and without entering into the merit of the case, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C till the next date of listing.

8. Till the next date of listing, it is provided that in the event of arrest, the applicant Ram Milan Sharan shall be released on anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the trial court concerned with the following conditions:-

1. that the applicant shall not leave India without the previous permission of the court;

2. that the applicant shall not pressurize/ intimidate the prosecution witness;

3. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

4. that in case of breach of any of the above conditions the court below shall have the liberty to cancel the anticipatory bail.

Such other reasonable conditions which the learned trial court may deem fit may be imposed.

9. List on 3.10.2024 along with CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. 1894 of 2024.

10. In the meantime, learned A.G.A. shall file counter affidavit."

Learned counsel for the applicant submits that in compliance of order extracted above, the applicant has filed bonds and he has been enlarged on anticipatory bail.

Learned counsel for the applicant further submits that co-accused Ram Ji Swami who was assigned the similar role has been granted bail by this Court vide order dated 11.09.2024 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.1894 of 2024. Applicant seeks parity with the bail order of aforesaid co-accused. He further submits that charge-sheet in the matter has been filed. The applicant has co-operated in the investigation and further undertakes to cooperate in the trial.

Learned A.G.A. has opposed the bail application, however, could not dispute the fact that the applicant has cooperated in the investigation. He further submits that charge-sheet in the matter has been filed.

On due consideration to the submissions advanced, perusal of the record and the fact that offences are triable by magistrate, charge-sheet has been filed so also the bail order of co-accused person named above, he has cooperated in the investigation, undertaking that he shall cooperate in the trial, as also

considering the dictum of Apex Court *in re: Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98* and without expressing any opinion on the merit of the case, I am of the opinion that the interim protection granted earlier vide order dated 9.9.2024 is liable to be and is hereby made absolute.

The application is allowed accordingly.

Order Date :- 18.12.2024

Saurabh Yadav/-