

Court No. - 15

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2803 of 2024

Applicant :- Sunil Kumar

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

Counsel for Applicant :- Amit Kumar Singh, Prashansa Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

The present bail application under Section 438 Cr.PC. has been filed seeking anticipatory bail in case crime No.0469/2020, under Sections 419/420/467/468/471/120B I.P.C., P.s. Kotwali Nagar, District Faizabad/Ayodhya.

Heard learned counsel for the applicant and learned A.G.A. for the State.

Notices to respondent no. 2 are dispensed with.

Prosecution case is that an F.I.R. was lodged by the Assistant Transport Officer regarding three trucks alleging that those three trucks have been transferred on the basis of the forged NOCs.

Learned counsel for the applicant submits that the applicant has no concern with three trucks mentioned in the F.I.R. The applicant is named in the F.I.R. In fact he is the owner of the vehicle of truck bearing registration No. UP42BT3808 regarding which a loan was taken from Sriram Transport Finance Company Ltd. It is further submitted that the entire loan was paid by him and thereafter no objection certificate and form 35 were issued in favour of the applicant. The company has not made any complaint against the applicant. There is no material in the entire prosecution case against the applicant. The investigating officer is harassing the applicant without there being any material. The applicant undertakes to cooperate in the investigation. The applicant has no criminal antecedents.

Learned A.G.A. has opposed the bail application, however, he could not dispute the fact that the applicant is named in the F.I.R. and he has no criminal antecedents.

Without expressing any opinion on the merits of the case and considering the nature of accusation and having no criminal antecedents, coupled with the undertaking given by the

applicant that he will cooperate in the investigation and the fact that the applicant has no criminal antecedents and he is not a previous convict, it would be expedient in the interest of justice that the liberty of the applicant may be protected till filing of police report u/s 173(2) Cr.P.C in view of dictum of Apex Court in re: Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98.

In view of the above, it is provided that in the event of arrest, the applicant **Sunil Kumar** shall be released on anticipatory bail in the aforesaid Case Crime number on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the arresting officer/investigating officer/S.H.O. concerned with the following conditions:-

(1) The applicant shall cooperate in the investigation and he will not influence the witnesses.

(2) The accused-applicant will remain present as and when the arresting officer/I.O./S.H.O. concerned call (s) for investigation/interrogation.

(3) The applicant shall not leave India without previous permission of the Court.

(4) In case of default, it would be open for the investigating agency to move application for vacation of this interim protection.

(5) The applicant shall appear before the investigating officer within 20 days from today for recording his statement under Section 161 Cr.P.C.

The application is **disposed of**.

Order Date :- 20.12.2024

Ram Murti