Court No. - 70

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 7746 of 2020

Applicant :- Ahmad @ Ahemad Hasan And Another
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Mohd. Aslam
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned AGA for the State.

The instant Anticipatory Bail Application has been filed with a prayer to grant an anticipatory bail to the applicants, namely, **Ahmad @ Ahemad Hasan and Akram**, in Case Crime No.- 685 of 2020, under Sections- 379, 406 and 447 IPC, Police Station- Deoband, District- Saharanpur.

There is allegation against the applicant that applicants are the President and Secretary of the Waqf and they have sold the trees worth Rs. 30 - 35 lakhs planted in the Kabristan of the Waqf.

Counsel for the applicant has submitted that the trees were cut after resolution passed by Waqf and the money has been spent in the protection of the Waqf property. They have been falsely implicated in this case. Instead of availing the civil remedy available the applicants have been implicated for criminal offence. The applicants have definite apprehension that they may be arrested by the police any time.

Learned AGA has opposed the prayer for anticipatory bail of the applicants.

Without expressing any opinion on the merits of the case and considering the nature of accusation and their antecedents, the applicants are entitled to be released on anticipatory bail for limited period in this case considering the exceptions considered by the Hon'ble Supreme Court in the case of Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98 and order dated 22.05.2020 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 2609 of 2020.

In the event of arrest of the applicants shall be released on anticipatory bail till the submission of police report, if any, under section 173 (2) Cr.P.C. before the competent Court on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) The applicants shall make themselves available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police office;

(iii) The applicants shall not leave India without the previous permission of the Court and if they have passport, the same shall be deposited by him before the S.S.P./S.P. concerned.

(iv) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(v) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

The Investigating Officer is directed to conclude the investigation of the present case in accordance with law, expeditiously, independently without being prejudiced by any observations made by this Court while considering and deciding the present anticipatory bail application of the applicants.

The applicants are directed to produce a copy of this order downloaded from the official website of this Court before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

Order Date :- 2.12.2020
Rohit