Court No. - 70

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 8406 of 2020

Applicant :- Jasmer
Opposite Party :- State of U.P.
Counsel for Applicant :- Arvind Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned AGA.

Perused the material on record.

The instant Anticipatory Bail Application has been filed with a prayer to grant an anticipatory bail to the applicant, namely, Jasmer**,** in Case Crime No.176 of 2020, under Sections 420, 467, 468, 471 I.P.C, Police Station - Doghat, District - Babhpat.

There is allegation in the first information report regarding recovery of empty bottles, wrapper and label of different brands of liquor in one Tata Canter Vehicle from the applicant.

Learned counsel for the applicant has submitted that it is a case of false implication. There is no public witness of the recovery. Applicant is alleged to be driver of the vehicle.

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

Without expressing any opinion on the merits of the case and considering the nature of accusation and his antecedents, the applicant is 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 **Su*shila 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 applicant 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.50,000/- 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 applicant shall make himself available for interrogation by a police office as and when required;

(ii) The applicant 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 applicant shall not leave India without the previous permission of the Court and if he has 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 applicant.

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 applicant.

The applicant is 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 :- 1.12.2020
SS