Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2473 of 2024
Applicant :- Pradeep Kashyap
Opposite Party :- State Of U.P. Thru. Dgc Criminal Lko
Counsel for Applicant :- Neeraj Trivedi,Ravi Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

The present bail application under Section 438 Cr.PC. has been filed seeking anticipatory bail in case crime/FIR No. 425 of 2023, under Sections 306, 34 I.P.C., P.S. Para, District Lucknow.

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

Learned counsel for the applicant submits that in the suicide note dated 16.12.2023, the deceased Ram Milan has levelled general allegations against the present applicant as well as Dharamvir Kashyap who has been granted anticipatory bail by this Court vide order dated 20.09.2024 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 1663 of 2024. Role of the applicant is similar to that of co-accused Dharamvir Kashyap. He seeks parity with the order of the co-accused Dharamvir Kashyap. Case is of circumstantial evidence. The applicant has no criminal antecedent.

Learned AGA has opposed the bail application, however, does not dispute that role assigned to the applicant is similar to that of co-accused Dharamvir Kashyap.

Learned counsel for the applicant further submits that he will cooperate in the investigation.

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 as also the fact that co-accused Dharamvir Kashyap who was assigned similar role, has been granted anticipatory bail; considering the role assigned to the present applicant, he 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 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 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/1.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.

The applicant shall report to the investigating officer within twenty days from today.

Order Date :- 3.12.2024
R.C.

Digitally signed by :-
RAM CHANDER YADAV
High Court of Judicature at Allahabad,
Lucknow Bench