

Court No. - 75

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 17812 of 2021

Applicant :- Sandeep Agarwal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ashok Trivedi, Rahul Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Ram Krishna Gautam, J.

Heard over anticipatory bail application, under Section 438 Cr.P.C., moved by the applicant- Sandeep Agarwal, in Case Crime No. 809 of 2020, under Sections-420, 467, 468, 471 I.P.C. and Sections 63 and 65 of the Copyright Act, Police Station-Etmaddaula, District-Agra.

Learned counsel for the applicant argued that the accused-applicant is innocent; he has been falsely implicated in this very case crime number; neither he is owner of the premises nor the same was let to him; as per First Information Report itself, the premises was belonging to 'Tai' of the applicant and it was let to Mohd. Shaan; Mohd. Shaan-lessee has been granted anticipatory bail in Criminal Misc. Anticipatory Bail Application No. 12552 of 2021, by a coordinate Bench of this Court; applicant was neither apprehended on the spot nor is there any recovery from him; anticipatory bail application moved before the Sessions Court was rejected summarily; there is every likelihood of arrest of applicant; hence this anticipatory bail application with above prayer.

Prior notice of this bail application was served in the office of Government Advocate and as per Chapter XVIII, Rule 18 of the Allahabad High Court Rules and as per direction dated 20.11.2020 of this Court in ***Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. 8072 of 2020, Govind Mishra @ Chhotu Versus State of U.P.***, hence, this anticipatory bail application is being heard. Grant of further time to the learned A.G.A as per Section 438 (3) Cr.P.C. (U.P. Amendment) is not required.

Learned A.G.A. has vehemently opposed, but could not oppose the above factual aspects.

Having heard and gone through material placed on record, it is apparent that applicant is neither apprehended on the spot nor was there any recovery from him; co-accused, Mohd. Shaan, who was lessee of the premises, has already been enlarged on

anticipatory bail by a coordinate Bench of this Court.

Having heard and gone through material placed on record and considering the law laid down by the Hon'ble Apex Court in the Case of *Sushila Aggarwal Vs. State (NCT of Delhi) 2020 SCC Online SC 98*, but without expressing any opinion on the merits of the case, ground for grant of anticipatory bail is made out.

In case of arrest, the applicant, Sandeep Agarwal, is directed to be enlarged on anticipatory bail in above case crime number, till the submission of police report, if any, under Section 173(2) Cr.P.C. before the competent court on his furnishing personal bond of Rs. 50,000/- and two sureties each of like amount to the satisfaction of Station House Officer of police station/ court concerned with the following conditions:-

(i) The applicant shall make himself available for interrogation by the police officer as and when required, if investigation is in progress;

(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 such person from disclosing such facts to the Court or to any police officer;

(iii) The applicant shall not leave the country 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/Court concerned;

In default of any of the conditions, the Investigating Officer/Government Advocate is at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

The Investigating Officer will continue with the investigation, if it is in progress and will not be affected by this order.

A copy of this order shall also be produced before the S.P/S.S.P concerned by the applicant, within a week, if the investigation is still in progress, who shall ensure compliance of this order.

This anticipatory bail application is finally disposed off.

Order Date :- 10.12.2021

Deepak/