

Court No. - 48

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 4719 of 2022

Applicant :- Subhash Chand

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

Counsel for Applicant :- Yashwant Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ali Zamin,J.

Heard over anticipatory bail application under Section 438 Cr.P.C., moved by the applicant- **Subhash Chand** in Case Crime No. 0290 of 2021, under Section 420, 467, 468, 471, 120-B IPC, P.S. Nagina. District Bijnor.

Sri Vinay Kumar Patel, Advocate appears for the informant. Learned counsel for the parties submit that the parties have compromised the dispute in terms of compromise annexed as Annexure-10 to the anticipatory bail application. Applicant has no criminal history.

Learned A.G.A. submits that as per learned counsel for the informant, the matter has been compromised.

Having heard and gone through material placed on record, parties arrived at compromise, the fact that applicant has no criminal antecedent and 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**, without expressing any opinion on merit of the case, ground for grant of anticipatory bail is made out.

In case of arrest, the applicant, **Subhash Chand** is directed to be enlarged on anticipatory bail in above case crime number 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 concerned till the submission of police report, if any, under Section 173 (2) Cr.P.C. before the competent court with the following conditions:-

- i. The applicant shall make him 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 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 allowed.

Order Date :- 8.6.2022

MAA/-