

**Court No. - 75**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S  
438 CR.P.C. No. - 6534 of 2022

**Applicant :-** Akash @ Satish

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

**Counsel for Applicant :-** Rakesh Dubey

**Counsel for Opposite Party :-** G.A.

**Hon'ble Raj Beer Singh,J.**

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The present application has been moved seeking anticipatory bail in Case Crime no. 271 of 2021, under Sections 420, 467, 468, 471, 424, 147, 323, 504, 506 I.P.C., Police Station Sachendi, District Kanpur Nagar with the prayer that in the event of arrest, applicant may be released on bail.

It has been argued by the learned counsel for the applicant that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. The applicant has no criminal antecedents and that no coercive process has been issued against the applicant so far. It was alleged that complainant is a member of Mahila Morcha in B.J.P. and that co-accused Vishnu Babu Diwakar told her that he is senior member of R.S.S. and he is likely to hold some post in the B.J.P. and that he would get her appointed at some post equivalent to a minister and he obtained Rs. 50 lacs from her by way of cheating. Learned counsel submitted that applicant is not named in the FIR, which was lodged against co-accused Vishnu Babu Diwakar. The involvement of applicant has been shown on the basis of statement of complainant, recorded under Section 161 Cr.P.C., wherein the only allegation made against the applicant is that he and other co-accused persons have abused and threatened the complainant. Learned counsel submitted that except that

allegation, there is no evidence against the applicant and that at the most, the alleged mischief would not go beyond the purview of Sections 504 and 506 IPC. Learned counsel submitted that the main accused Vishnu Babu Diwakar has filed an application for anticipatory bail, wherein he has also been granted interim anticipatory bail, copy of which is available on record. It was also submitted that applicant undertakes to co-operate during investigation and trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

Learned A.G.A. has opposed the application for anticipatory bail.

It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra**, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merit of the case, a case for anticipatory bail is made out.

The anticipatory bail application is **allowed**.

In the event of arrest of the applicant- **Akash @ Satish** involved in the aforesaid case crime shall be released on anticipatory bail on his 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 the police 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 him/her/them from disclosing such facts to the Court or to any police officer;

(iii) the applicant would co-operate during investigation and trial and would not misuse the liberty of bail.

In default of any of the conditions, the Investigating Officer/prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

**Order Date :-** 1.8.2022  
Anand