Court No. - 49

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 4004 of 2025

Applicant :- Tanveer Asharaf
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Pankaj Kumar Gupta
Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

Heard learned counsel for the applicant and learned Additional Government Advocate for the State.

This application (under Section 482 BNSS) has been moved by the applicant seeking anticipatory bail in Case Crime No.215 of 2024, under Section 316(5) BNS, Police Station Nagar, District- Basti, during the pendency of investigation.

Learned counsel for the applicant submits that applicant has been falsely implicated in the present case. In the alleged FIR there is allegation against the applicant that irregularity of non-depositing of Income Tax and GST of Rs.8,269/- but the same has been deposited on 31.10.2024. In the FIR there is no allegation of embezzlement and only allegation is for irregularity on the part of the applicant. He further submits that in case any irregularity has been done on part of the applicant, civil proceedings may be initiated against him but no case is made out to initiate criminal proceedings. There is no criminal history against the applicant. Co-accused, namely, Nasir Ahmad, has already been granted anticipatory bail by this Court today in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS of 4351 of 2025. The applicant has apprehension of is arrest in the above mentioned case. In case, the applicant is released on anticipatory bail, he will not misuse the said liberty.

Learned AGA has opposed the prayer for bail, but could not dispute the said facts.

Hence without expressing any opinion on the merits of the case and considering the nature of accusations and antecedents of applicant, he is directed to be enlarged on anticipatory bail as per the Constitution Bench judgment of the Apex Court in the case of

Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98. The future contingencies regarding anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

In the event of arrest, the applicant shall be released on anticipatory bail.

Let the **applicant -Tanveer Asharaf** involved in the aforesaid crime be released on anticipatory bail on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

(1) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(2) 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 from disclosing such facts to the Court or to any police officer; and

(3) The applicant shall not leave the country during the currency of trial without prior permission from the concerned trial Court.

(4) The applicant shall surrender his passport, if any, to the concerned Court forthwith. His passport will remain in custody of the concerned Court.

(5) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.

(6) In case, the applicant misuses the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of **Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98.**

(7) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is

deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against his in accordance with law.

In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

With the aforesaid observations/ directions, the application stands disposed of.

Order Date :- 13.6.2025
I.A.Siddiqui