

Court No. - 77

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/ S 438 CR.P.C. No. - 6819 of 2021

Applicant :- Sandeep Kumar Vishnoi And 3 Other

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

Counsel for Applicant :- Pradeep Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

The applicants, while filing present application being second anticipatory bail application, in Case Crime No. 1000 of 2018, under Section 3/7 Essential Commodities Act, 1955, under Sections 409, 420, 467, 468, 471 IPC, Section 39-D Adhar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 and 66-C of I.T. Act, Police Station Sardhana, District Meerut, brought on record the following order dated 02.11.2020 passed in Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No. 7405 of 2020 as Annexure No. 1 (Page – 11):

“Court No. - 59

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 7406 of 2020

Applicant :- Sandeep Kumar Vishnoi And 3 Others

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

Counsel for Applicant :- Aditya Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra, J

Heard Sri Aditya Prasad Mishra, learned counsel for applicants and learned A.G.A. for State. This application for anticipatory bail has been filed by applicants Sandeep Kumar Vishnoi And 3 others in connection with Case Crime No. 1000 of 2018 U/s 409, 420, 467, 468, 471, 120-B I.P.C., U/s 39 D Adhar (Targeted Delivery of Financial and Other Subsidy Benefit Services) Act 2016, U/s 66(c) Information Technology Act And 3/7 Essential Commodities Act, Police Station – Sardhana, District- Meerut.

Sri Aditya Prasad Mishra, learned counsel for applicants states that he does not want to press the present Application for anticipatory bail. He prays for liberty to file fresh application for anticipatory bail. Accordingly, this application for anticipatory bail is dismissed as not pressed with liberty to the applicants to file fresh application for anticipatory bail.

This order shall not be treated as tied up, in case any fresh application for anticipatory bail is moved before this Court on behalf of applicants.

Order Date :-2.11.2020

Sachin Tiwari”

On being pointed out by learned A.G.A., on 17.1.2023, that there is some different order in his records of the same date passed in the first anticipatory bail application of the applicants, this Court directed the present case to be listed today along with the record of first anticipatory bail application.

Today the case is listed along with the true certified copy of first anticipatory bail application of the applicants i.e. Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No. 7406 of 2020, wherein the order dated 02.11.2020 finds appended, which reads thus:

“Court No. - 59

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 7406 of 2020

Applicant :- Sandeep Kumar Vishnoi And 3 Others

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

Counsel for Applicant :- Aditya Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon’ble Rajeev Misra, J

Heard Sri Phool Chandra, learned counsel for the applicant and learned A.G.A. for the State.

This application for anticipatory bail has been filed by applicants **Sandeep Kumar Vishnoi And 3 Others** in connection with Case Crime No. 1000 of 2018 U/s 409, 420, 467, 468, 471, 120-B I.P.C., U/s 39 D Adhar (Trageted Delivery of Financial and Other Subsidy Benefit Services) Act 2016, U/s 66 (C) Information Technology Act and U/s 3/7 Essential Commodities Act, Police Station Sardhana, District- Meerut.

Having heard the learned counsel for applicant, learned A.G.A. for State and upon perusal of allegation made in the F.I.R. as well as averments made in the affidavit filed in support of the application for anticipatory bail and also the judgement of Apex Court in **P. Chidambaram Vs. Directorate of Enforcement, AIR 2019 SC 490**, this Court does not find any exceptional ground to exercise jurisdiction under Section 438 Cr.P.C.

Accordingly, this application for anticipatory bail is rejected.

Order Date :- 2.11.2020

Sachin Tiwari”

Perusal of both the orders, quoted above, reveals different contents though the details mentioned in ‘cause title’ and ‘order date’ are same. This obfuscating state of facts is necessitated to be scrutinized.

Today again no one is present on behalf of the applicants even in revised call.

Daring or it may be called in literal words 'insincere' act of an Advocate does not allow my consciousness to eschew it in such a bizarre situation where the concerned responsible person is trying to hide by adopting the practice of absenteeism.

Courts always have respect and faith over, even any vocal statement advanced by a lawyer at Bar and hardly express disbelief over it. However, present case is filled with sufficiency of unreliability to run over such impression, which may, in future, be detrimental to such an admiring relationship between the Bench and Bar.

To imbibe the ideas and suggestions of luminaries of the Bar over such spectrum where Advocates are required to be guided with ethics and moral obligations in respect of professionalism to safeguard the traditional belief, the matter is posted for 07th February, 2023.

Let notices be issued to Sri Aditya Prasad Mishra (En. No. UP3761/1999, Advocate Roll No. A/A- 0134/12, Seat No. 16-A, Behind Ch. No. 67, High Court, Allahabad, Mob. No. 9455531284) and Sri Pradeep Kumar Pandey (En. No. UP8154/2017, Advocate Roll No. A/P 0019/2019 – Common Room No. 2, High Court, Allahabad, Mob. 9956736805), learned Advocates to explain under what impression different order has been placed on record and why the proceedings be not asked to be initiated by the U.P. Bar Council. The applicants shall also file their personal affidavits separately as to why prosecution for perjury be not proposed against them.

The President and the Secretary of Allahabad High Court Bar Association, Allahabad are requested to look into the conduct of both abovenamed advocates in the matter, and render their assistance to the Court, on the next date fixed, regarding the course of action which they think fit to suggest for.

Registrar General of this Court shall ensure that all concerned be informed about this order.

Order Date :- 20.1.2023

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