

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11877 of 2023

Applicant :- Madhur Marwah

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Mehul Khare, Anurag Mishra, Pragya Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. Heard learned counsel for the parties and perused the material available on record.
2. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 0209 of 2023, under Sections 420, 406, 467, 468, 471 of IPC, Police Station Medical College, District Meerut, with a prayer to enlarge him on anticipatory bail.
3. As per prosecution story, the applicant in collusion with other co-accused persons is stated to have caused loss to the State Exchequer to the tune of Rs.6.04 crores by committing forgery as he is one of the persons, who is stated to be running 16 fake tax payers' firm. The applicant and other co-accused persons are stated to have got the said money released from the Department on the basis of fake documents.
4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. His name has come up in the statement of co-accused person which is not admissible in law. Learned counsel has further stated that there is every apprehension of his arrest as the FIR has been instituted on 11.06.2023. The applicant has no criminal history to his credit. He is ready to cooperate during investigation and in the ensuing trial as well.
5. On the other hand, learned counsel for the Department-informant as well as learned A.G.A. have vehemently opposed the prayer for grant of anticipatory bail on the ground that the applicant is one of the kingpins of the larger network causing loss to the tax payers' money. Learned counsel for the informant proposes to file counter affidavit.

6. Matter requires consideration.

7. In the event of arrest, the accused-applicant **Madhur Marwah** shall be released forthwith in the aforesaid case crime (supra) on interim anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the arresting officer/investigating officer/S.H.O. concerned on the following conditions:-

- (i) the applicant shall make himself available for interrogation 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 from disclosing such facts to the Court or to any police officer; and
- (iii) the applicant shall not leave India without the previous permission of the Court.

8. As prayed, two weeks' time is granted to learned counsel for the informant to file a detailed counter affidavit.

9. Rejoinder affidavit, if any, may be filed within a week, thereafter.

10. Connect this application along with Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. Nos. 9150 of 2023 and place it on **12.12.2023** in the additional cause list.

11. Till the next date of listing, no coercive action shall be taken against the applicant in the aforesaid case.

12. Office is directed to correct the name of the applicant in the case title as shown in the order.

Order Date :- 8.11.2023

Manoj