

**Court No. - 28**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 7160 of 2021

**Applicant :-** Dr. Syed Kalbe Sibtain @ Noori

**Opposite Party :-** State Of U.P. Thru Prin. Secy. Home. Lko  
And Another

**Counsel for Applicant :-** Pranshu Agrawal, Sheeran Mohiuddin  
Alavi

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

**Hon'ble Krishan Pahal, J.**

Heard Sri Pranshu Agrawal, learned counsel for the applicant and learned A.G.A., Sri Vinay Kumar Shahi, for the State as well as perused the record.

The present application has been moved seeking anticipatory bail in FIR/Case Crime no. 0946 of 2019, under Sections 147, 148, 149, 152, 323, 504, 506, 333, 427, 436, 307, 353, 188, 120-B, 395, 145 IPC and Section 7 Criminal Law Amendment Act, and Section 3/4 Prevention of Damages to Public Property Act and Section 5 Explosive Substances Act, Police Station- Thakur Ganj, District- Lucknow, with the prayer to enlarge him on anticipatory bail.

As per prosecution story, 26 named persons and more than two thousand other persons are said to have ransacked the two police chowkis on 19.12.2019.

Learned counsel for the applicant submits that the applicant is the son of renowned scholar and cleric of the Shia Community, who has been awarded Padma Bhushan by the Government of India. Learned counsel has further stated that applicant is not named in the FIR and has been falsely implicated at the instance of local politicians. The applicant is an educated person having attained the degree of Doctorate. Learned counsel has further stated that the applicant was granted interim protection vide order dated 15.7.2021 passed by this Court and applicant has not misused the said protection granted to him. Learned counsel has further stated that a criminal history of three cases has been assigned to applicant including the present one. The same has been explained in paragraph 16 of the rejoinder affidavit. The other co-accused person, Kasif @ Kashif Ahmad, who is named in the FIR, has already been enlarged on anticipatory bail vide order dated 9.2.2021 in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. 10776 of 2020. Several other submissions

have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.

Learned A.G.A. has vehemently opposed the prayer for grant of anticipatory bail on the ground that applicant is mastermind of the said offence and he is personally responsible for ransacking the police chowkis and the public property. He is not entitled to be enlarged on bail under Section 438 Cr.P.C.

On due consideration to the arguments advanced by learned counsel for the parties and in view of the law laid down by the Apex Court in the case of "*Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98*", the applicant is entitled to be released on anticipatory bail in this case.

In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest, let the accused-applicant **Dr. Syed Kalbe Sibtain @ Noori** be released forthwith in the aforesaid case crime (supra) on bail on furnishing a personal bond 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:-

1. that the applicant shall make himself available for interrogation by a police officer as and when required;
2. that 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 or tamper with the evidence;
3. that the applicant shall not leave India without the previous permission of the court;
4. that in default of any of the conditions mentioned above, the investigating officer shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant;
5. that the investigating officer is directed to conclude the investigation in the present case in accordance with law expeditiously, preferably, within a period of four months from the date of production of a certified copy of this order independently without being prejudiced by any observation made by this court while considering or deciding the present bail application of the applicant;

6. that the applicant is directed to produce certified copy of this order before the SSP/SP concerned within 10 days from today, who shall ensure the compliance of the present order;
7. that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;
8. that the applicant shall not pressurize/ intimidate the prosecution witness;
9. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
10. that in case of breach of any of the above conditions the court below shall have the liberty to cancel the bail.

**Order Date :- 22.3.2022**

**Shalini**