

**Court No. - 51**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 45787 of 2019

**Applicant :-** Athar Farooqi Alias Mohd. Athar Another

**Opposite Party :-** State Of U.P. And 2 Others

**Counsel for Applicant :-** Prashant Vyas, Gopal Swarup Chaturvedi (Senior Adv.)

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

**Hon'ble Vipin Sinha, J.**

Heard Sri G.S. Chaturvedi, learned senior counsel assisted by Sri Prashant Vyas, learned counsel for the applicants and learned AGA for the State.

Contention of the learned senior counsel appearing for the applicants is that the FIR has been lodged after seven years of the incident with regard to the distribution of cycles to the disabled persons. Contention is that the present FIR has been lodged only by way of political rivalry and there is no reason as to why the investigation has not been concluded till date. The applicants are all along participating and cooperating with the investigation. In fact, there were two dates for holding the camps, one date was fixed for identifying the recipients and another date was fixed for distribution of cycles to the disabled persons. Contention is the police authorities have misread the date of holding the camps for identifying the recipients as the date of the alleged incident.

The matter needs consideration.

Learned AGA seeks time to get their instructions and file counter affidavit.

The counter affidavit to be filed by the State will clearly elaborate;

- (i) the stage of investigation, whether any charge sheet has been filed or not;
- (ii) whether the applicants are participating and cooperating with the investigation or not, if not, then in what manner they are not cooperating;
- (iii) whether any custodial interrogation is required.

Accordingly, list on 18.11.2019 along with other connected matters.

Till the next date of listing, the applicants will not be arrested in Case Crime No.363/2017 under Sections 467, 468, 471, 120B IPC PS Bilaspur District Rampur, however they will continue to participate and cooperate with the investigation.

**Order Date :-** 1.11.2019

SP