

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 5490 of 2023

Applicant :- Manendra And Another

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Vijay Pratap Yadav, Vijay Pratap Yadav

Counsel for Opposite Party :- G.A., Agnivesh, Jadu Nandan
Yadav

Hon'ble Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant as well as the learned AGA and perused the material available on record. Mr Pranvesh, Advocate holding brief of Mr J. N. Yadav, learned counsel for the informant is also present.

2. Present Anticipatory Bail Application has been filed with the prayer to grant anticipatory bail to the applicant in Case Crime No. 278 of 2021, under Sections 376-D, 427, 354-B, 324, 504, 506 IPC and Section 5/6 of POCSO Act and Section 3(2)(v) of SC/ST Act, P.S. Talgram, District Kannauj till the conclusion of the trial before the court below.

3. Learned AGA appearing for the State raised preliminary objection by contending that under Section 5/6 of POCSO Act death sentence is provided as such present anticipatory bail application is not maintainable and, moreover, applicant is not cooperating with the trial, therefore, not only non bailable warrant was issued but now proceedings under Section 82 Cr.P.C. have also been initiated against applicant, therefore, no case for anticipatory bail is made out in the light of the judgment of the Apex Court in the case of **Prem Shankar Prasad vs. State of Bihar, 2021 SCC OnLine SC 955** and **Lavesh Vs. State (NCT of Delhi), (2012) 8 SCC 730**.

4. Accordingly, this application is dismissed as not maintainable.

Order Date :- 26.10.2023

RavindraKSingh