

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 5898 of 2023

Applicant :- Avnendra Singh @ Raju

Opposite Party :- State of U.P.

Counsel for Applicant :- Gaurang Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Vinay Sharan, learned Senior Counsel assisted by Sri Gaurang Dwivedi, learned counsel for the applicant and Sri S.P. Pandey, learned A.G.A. for the State and perused the material available on record.
3. Learned Senior Counsel has stated that he does not want to press the rejoinder affidavit filed earlier, as such he has filed a fresh rejoinder affidavit filed in Court today and the same is taken on record.
4. The instant anticipatory bail application was filed by the applicant seeking anticipatory bail in Case Crime No.623 of 2008, under Sections- 467, 468, 471, 420 of I.P.C. and Section- 7 of Criminal Law Amendment Act, Police Station- Khanna, District- Hamirpur, during the pendency of trial.
5. As per prosecution story, the applicant is stated to have got issued an armed license of revolver in his name by concealing his original address, as such the F.I.R. was instituted against him.
6. Sri Vinay Sharan, learned Senior Counsel assisted by Sri Gaurang Dwivedi, learned counsel for the applicant has stated at Bar that the said order has been restored by the Commissioner Chitrakoot Dham Mandal Banda vide order dated 04.04.2013 and the applicant has not misused the said arm license. The charge-sheet has been filed and the applicant has not challenged it. The applicant has not committed any offence whatsoever pursuant to the said issuance of the license.
7. Per contra, learned A.G.A. has opposed the anticipatory bail

application of the applicant on the ground that there is a long criminal history of the applicant, whereby 27 cases have been instituted against him, as such the applicant is not entitled for grant of anticipatory bail.

8. In rebuttal, learned Senior Counsel has stated that out of 27 criminal case, the applicant has either been acquitted or the period of extermination has elapsed in 24 cases and only three cases are pending against the applicant including the present one. The bail orders and the acquittal orders have been annexed to the rejoinder affidavit filed in Court today. The said criminal history has been explained in para-5 of the rejoinder affidavit.

9. After hearing the parties and taking into consideration that the said armed license was procured by the applicant by concealing his address of District- Mahoba and also taking into consideration that the applicant has long criminal antecedents of 26 cases in addition to the present case, therefore, I do not find it a fit case for granting the anticipatory bail to the applicant.

10. In view of the above, the present anticipatory bail application is **rejected**.

(Justice Krishan Pahal)

Order Date :- 17.11.2023
Saif