

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 6811 of 2023

Applicant :- Rajesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Verma

Counsel for Opposite Party :- G.A.,Mohd. Nasim Ahmad

Hon'ble Krishan Pahal,J.

1. Heard Sri Anil Kumar Verma, learned counsel for applicant and Mohd. Nasim Ahmad, learned counsel for the informant as well as Sri Amit Kumar, learned A.G.A. for State and also perused the material available on record.

2. The present application for anticipatory bail has been filed by the applicant seeking protection in regard to FIR/Case Crime No. 471 of 2022, under Sections 420 & 409 of I.P.C., P.S.- Cantt., District- Varanasi.

3. As per prosecution story, the named accused person Pradeep Kumar Singh, who happens to be the agent of the Post Office Department, along with Chief Branch Manager and other officials of the Post and Telegraph Department are stated to have duped the first informant to the tune of Rs.6,30,000/- which was deposited by him through the agent Pradeep Kumar Singh.

4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He is not named in the FIR. Subsequent to it, an FIR was instituted as FIR No.1175 of 2019 against the applicant and he has been enlarged on anticipatory bail in the said case till the conclusion of trial and the matter was referred for investigation by CBI wherein the trial is going on and the applicant is cooperating in it. Learned counsel has further stated that the applicant has been nominated in 12 more cases of similar nature and he was not named in either of those FIR. The applicant has been enlarged on regular/anticipatory bail in the said cases and their orders have been annexed with the present anticipatory bail application. The applicant has no previous criminal history.

5. Per contra, learned counsel for the informant as well as learned

A.G.A. have vehemently opposed the prayer for anticipatory bail on the ground that the criminal antecedents of 12 cases categorically indicate towards the involvement of the applicant as he along with other co-accused persons are the part of larger conspiracy to dupe several innocent person. Subsequent to it, the informant has died running from pillar to post to get his bonafide amount released, as such, the applicant is not entitled for anticipatory bail.

6. Considering the rival submissions advanced by the learned counsel for the parties and also the fact that there is a large criminal history of the applicant of similar nature, I do not find it a fit case to grant anticipatory bail to the applicant.

7. In view of the above, the present anticipatory bail application is found devoid of merits and is, accordingly, **dismissed**.

(Justice Krishan Pahal)

Order Date :- 16.10.2023

Siddhant