

Court No. - 73

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 9312 of 2023**

Applicant :- Sunil Verma

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ramesh Kumar Tiwari, Aditi Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicant as well as the learned AGA and perused the material available on record.

2. This second anticipatory bail application moved before this Court with the prayer to grant anticipatory bail to the applicant - **Sunil Verma** in Case Crime No. 13620 of 2022, under Sections 420, 406, 504, 506 I.P.C, Police Station- Kotwali Nagar, District- Saharanpur.

3. The first anticipatory bail application No. 311/2023 was disposed of by the co-ordinate Bench of this court vide order dated 4.4.2023 and the said order reflects that the Court was not inclined to grant anticipatory bail in the present matter to the applicant but however on the prayer made by the learned counsel for the applicant the order was passed to the effect as under:

*"05.....the present application for anticipatory bail may be dismissed as withdrawn with liberty to move a regular bail application, which may be decided keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and Another, (2021) 10 SCC 773.***

06. In my view, giving of any direction in the light of the above settled law shall be a superfluous exercise. However, it is directed that in case applicant surrenders before the concerned court below within 15 days from today and moves a regular bail application, the same shall be decided in an expeditious manner as per law applicable.

07. With the above directions, this application for anticipatory bail is disposed of".

4. since the aforesaid order was passed on the submission made by the learned counsel for the applicant, in my view it is not permissible for the applicant to move second anticipatory bail

application for the same relief before this Court. It is pertinent to mention here that the order dated 4.4.2023 aforesaid was challenged by way of SLP No. 21160 of 2023 before Hon'ble Apex Court but the Hon'ble Apex court was not inclined to interfere in the impugned judgement and order passed by this Court and the SLP was accordingly dismissed vide order dated 4.8.2023.

5. In view that no need to proceed further in the matter, the anticipatory bail application is, accordingly, **dismissed**.

Order Date :- 17.10.2023

Fhd