

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10163 of 2023

Applicant :- Ahtsam

Opposite Party :- State of U.P.

Counsel for Applicant :- Gulab Anand, Anand Kumar, Shashank Bharti

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. Heard Sri Gulab Anand, learned counsel for the applicant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material available on record. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.

2. The instant anticipatory bail application was filed by the applicant seeking anticipatory bail in Case Crime No.195 of 2023, U/S 147, 148, 149, 307, 506 & 325 of IPC, Police Station Kithore, District Meerut, during the pendency of trial.

3. As per prosecution story, the applicant along with other co-accused persons are stated to have fired at the informant and his family members thereby injuring the father of the informant Resham Deen on 12.07.2023 at about 05:30 PM.

4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence as alleged by the prosecution. Although he is named in the FIR but the injured has categorically stated in his statement recorded u/s 161 Cr.P.C. that he has sustained gun shot injury fired by Nadeem. The role of the applicant assigned by the injured is that of standing nearby. No overt act has been assigned to the applicant.

5. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application of the applicant.

6. Considering the facts and circumstances of the case and also the arguments advanced by the learned counsel for the parties, this Court finds that the arguments tendered at bar pertain to regular

bail application and cannot be agitated u/s 438 Cr.P.C., therefore, I do not find it a fit case for granting the anticipatory bail to the applicant.

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

(Justice Krishan Pahal)

Order Date :- 16.11.2023
Siddhant