

Court No. - 80

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10949 of 2023

Applicant :- Rajesh Chahar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Dubey

Counsel for Opposite Party :- G.A., Hari Prakash Mishra

Hon'ble Subhash Chandra Sharma, J.

1. Heard Sri Ajay Dubey, learned counsel for the applicant, Sri Hari Prakash Mishra, learned counsel for the opposite party as well as learned A.G.A. for the State and perused the material placed on record.

2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No. 915 of 2022, under Section 452, 323, 504, 506, 354, 354B, 427 of I.P.C. Police Station- Sikandara, District- Agra.

3. It is submitted by learned counsel for the applicant that in this case, anticipatory bail was granted by this Court vide order dated 01.05.2023 till submission of police report under Section 173(2) Cr.P.C. Now, After conclusion of investigation, chargesheet has been filed before the learned court, therefore, there is apprehension of applicant to be taken into custody, so request for anticipatory bail during the pendency of trial. It is also submitted that since the offences said to have been committed by the revisionist are punishable with sentence less than 7 years, therefore, a direction be given to learned trial court to make disposal of the bail application in light of the ***Satender Antil's case***.

4. Learned counsel for opposite party as well as A.G.A. opposed the prayer as aforesaid and contended that after submission of chargesheet, trial is to be conducted by the learned Court and the presence of applicant is required before the learned trial court during trial. All the offences, said to be committed by the applicant are punishable with sentence less than seven years regarding which protection is already available to the applicant in the light of law as laid down by the Hon'ble Supreme Court in ***Satender Antil's case***.

5. Considering the facts and circumstances of the case,

submissions made by learned counsel for both the parties as well as learned A.G.A. and perusal of record, it appears that all the offences said to be committed by the applicant are punishable with the sentence of less than seven years regarding which protection is already available in the law as laid down in Satender Antil's case and also there is no any apprehension of arrest against the applicant. As a result, this anticipatory bail application is finally disposed of with a direction that if applicant appears and moves bail application before the learned court concerned within a period of 30 days, the same shall be decided by it as expeditiously as possible in the light of latest law as laid down by the ***Hon'ble Supreme Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another LL 2022 SC 577 decided on 11.07.2022.***

6. Accordingly, this anticipatory bail application is ***disposed of*** and no coercive action shall be taken against the applicant during this period of 30 days.

Order Date :- 6.11.2023

Anjali