

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10603 of 2023

Applicant :- Raj Kumar Chaubey @ Gunda

Opposite Party :- State of U.P.

Counsel for Applicant :- Hari Prakash Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. This application has been moved on behalf of the applicant **Raj Kumar Chaubey @ Gunda** seeking anticipatory bail in Case Crime No. 183 of 2022, under Sections 354-Kha, 323, 504, 506, 452 IPC, Police Station Ahraula, District Azamgarh.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. At the very outset, it is brought to the notice of the Court that earlier an application U/S 482 No. 10906 of 2023 was moved by the applicant and in the said application when the Court was not inclined to grant any relief to the applicant, an alternate prayer was made by him for a direction to the Court below to consider and decide the bail application of the applicant expeditiously. In view of the said prayer, vide order dated 7.4.2023 the said application was disposed of with the direction to the applicant to surrender before the Court concerned within six weeks from the date of the said order and the Court concerned was directed to dispose of the same in accordance with law keeping in view the guidelines as laid down by the Hon'ble Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another, (2021) 10 SCC 773**. It was also observed in the said order that for the period of six weeks from the date of the said order or till the time of surrender of the applicant before the Court below, whichever is earlier, he shall not be arrested in the said case.

4. Today, on query made by the Court, learned counsel or the applicant has fairly conceded that in compliance of the directions given by this Court vide order dated 7.4.2023 in the aforesaid application U/S 482 CrPC, the applicant did not surrender before the Court concerned rather he chose to apply for anticipatory bail and the said anticipatory bail application has been rejected by the

concerned Sessions Court.

5. In view of the aforesaid, it is explicitly clear that the directions given by this Court vide order dated 7.4.2023 in the aforesaid application U/S 482 CrPC have not been complied with by the applicant and he let it go in futile. Hence, considering the submissions of the learned counsel for the parties, nature of accusation, conduct of the applicant, without expressing any opinion on the merits of the case, in my view, it is not a fit case for anticipatory bail to the applicant. Prayer made in the application is refused.

6. The application is **rejected**.

Order Date :- 16.10.2023

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