

Court No. - 73

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10919 of 2023**

Applicant :- Neeraj

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.
2. This application has been moved on behalf of the applicant - **Neeraj** seeking anticipatory bail in Case Crime No.285 of 2020, under Sections 380, 411 IPC, Police Station Inchauli, District Meerut.
3. As per prosecution version, some materials were stolen from the Factory and the present applicant, who happens to be the Ex Pradhan of village Phitkari, was implicated in this matter, who was alleged to have committed the aforesaid theft in collusion with some workers of the Factory. F.I.R. was lodged on 11.6.2020 and now charge-sheet has been submitted.
4. It is submitted by the learned counsel for the applicant that the applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against him. Allegations levelled against the applicant are false. He has been falsely roped in this matter. It is further submitted that the applicant has no concern with the factory of the informant. His name has been roped in the F.I.R. only on the basis of suspicion. It is further submitted that criminal history of the applicant has been sufficiently explained. He has been cooperative with the investigation of the case and now after submission of charge-sheet, no custodial interrogation is required in the matter from the applicant and as such he is entitled for anticipatory bail.
5. Per contra, learned A.G.A. vehemently opposed the prayer for anticipatory bail and it has been specifically pleaded that the stolen articles have been recovered during the course of investigation kept in a tractor and the said tractor belongs to the present applicant and on the basis of that, charge-sheet under sections 380, 411 IPC has been submitted against the applicant

and as such he is not entitled for anticipatory bail.

6. In the present matter, stolen articles have been recovered from the tractor, which belongs to the applicant.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, in my view, it is not a fit case for anticipatory bail to the applicant till the end of trial. The prayer made in the application is refused.

9. The anticipatory bail application is **rejected**.

10. In the last, learned counsel for the applicant has urged that direction for expeditious disposal of the bail application of the applicant be given in the light of the decision of the Hon'ble Apex Court in *Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825*.

11. However, it is observed that the bail application of the applicant, if moved, shall be considered and decided by the Court concerned in terms of the law laid down by the Hon'ble Apex Court in *Satender Kumar Antil* case (supra).

It is further directed that the learned court concerned, while considering the bail application of the applicant in the light of *Satender Kumar Antil* case (supra), shall pass an order strictly in compliance of the directions given in the aforesaid judgment by the Hon'ble Supreme Court, in letter and spirit, particularly complying with the order dated 21.3.2023 of the Hon'ble Apex Court in the aforesaid matter.

Order Date :- 31.10.2023 / ss