

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11320 of 2023

Applicant :- Narendra Kumar

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Markanday Singh

Counsel for Opposite Party :- G.A.,Jaideep Pandey

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
3. Heard Sri Markanday Singh, learned counsel for the applicant, Sri Jaideep Pandey, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
4. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.42 of 2023, under Sections 420, 406, 467, 468, 471, 504, 506 I.P.C., Police Station Sonakpur, District Moradabad, during the pendency of trial.
5. As per prosecution story, the named accused persons alongwith one unknown person usurped an amount of Rs.5,40,000/- from the informant on the pretext that his son shall be admitted to Army. Neither his son was given the job in Indian Army nor the said money was returned to him.
6. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. The applicant is not named in the FIR. Learned counsel has stated that the named accused person Surendra Singh had deposited an amount of Rs.1 lakh in the account of the applicant and he has been made an accused on the basis of said transfer of money only. He has nothing to do with the said offence. Learned counsel has stated that another FIR has been instituted against him by another informant and he has yet to apply for bail in it. The said FIR was instituted subsequent to the present FIR as Case Crime No.69 of 2023. The applicant has no other criminal antecedents to his credit. The applicant has apprehension of his arrest. Learned counsel has stated that the applicant undertakes that he has co-operated in the investigation and is ready to do so

in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Per contra, learned counsel for the informant and learned AGA have vehemently opposed the anticipatory bail application. Learned counsel for the informant has stated that the applicant is named in the FIR as he had himself impersonated to be Upendra Kumar and the amount of Rs.1 lakh was transferred to the account of applicant only which also stands corroborated in the second FIR, i.e., Case Crime No.69 of 2023, whereby the same account number has been referred. The applicant is directly named in the said FIR/Case Crime No.69 of 2023 as Upendra @ Narendra. The applicant is named in the present FIR as Upendra Kumar.

8. After hearing learned counsels for the parties and taking into consideration that there are two FIRs against the applicant and he is not on bail in either of the cases and Rs.1 lakh was transferred to the account of the applicant which is an admitted fact, I do not find it a fit case for grant of anticipatory bail to the applicant.

9. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 27.10.2023

Vikas

[Krishan Pahal, J.]