

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10930 of 2023

Applicant :- Hilal Mujeebi

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Talha Uzair Usmani, Matiur Rehman
Khan

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Present Anticipatory Bail Application has been filed with the prayer to grant anticipatory bail to the applicant - **Hilal Mujeebi** in Criminal Case No. 886 of 2020, arising out of Case Crime No. 1227 of 2019, under Sections 147, 148, 149, 188, 323, 283, 332, 353, 336 I.P.C., 3/4 Prevention of Damage to Public Property Act and 7 Criminal Law Amendment Act, Police Station - Kotwali Farrukhabad, District - Farrukhabad.

2. Heard learned counsel for the applicant as well as the learned AGA and perused the material available on record.

3. At the very outset, the attention of the Court is drawn to the fact that earlier the applicant had approached this Court through Application U/S 482 No. 27642 of 2023 which was disposed of vide order dated 21.8.2023 with a direction that the applicant shall surrender before the Court concerned within three weeks from the date of the said order and apply for bail and the Court concerned was directed to decide the same expeditiously in accordance with law. It further reflects from the perusal of the supplementary affidavit that in compliance of the aforesaid order, the applicant surrendered before the Court concerned and applied for bail and an interim bail was granted to him, which was continued for a few days, however, subsequently, when he did not appear before the Court concerned, the Court concerned issued non-bailable warrant against him. Hence, it is apparent that the case wherein the applicant is praying for anticipatory bail, is running before the trial court and the present applicant has already surrendered and has been taken into custody by the Court concerned. It is settled legal position that the anticipatory bail application will not be maintainable in case a person is in custody in the same offence for which pre - arrest bail is sought. Hence, the present anticipatory bail application is not maintainable. There is no need to proceed further. The anticipatory bail application stands **disposed of** accordingly.

Order Date :- 2.11.2023 / safi