

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10984 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 Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record.

2. This Criminal Misc. Anticipatory Bail Application has been filed seeking anticipatory bail in Case Crime No. 361 of 2019, under Sections 147, 148, 149, 336, 332, 353, 504, 506 IPC and Section 3/4 of Prevention of Damage to Public Property Act, 1984, and Section 7 of Criminal Law Amendment Act, P.S. Mau Darwaza, District Farrukhabad during the pendency of trial.

3. Record discloses that earlier applicant has approached this Court challenging the charge sheet and the cognizance order by way of Application U/s 482 No. 27642 of 2023, which has been disposed of vide order dated 21.08.2023 directing the applicants to surrender before the court below and apply for bail, which shall be decided expeditiously by the courts below in accordance with the law laid down by the Apex Court in the case of Satender Kumar Antil Vs Central Bureau of Investigation and another reported in 2021, @CC online SC 922, which has not been complied with by the applicant.

4. It is submitted that in this case applicant is innocent and has been falsely implicated by the police with ulterior motive. There is no credible evidence to connect the applicant with the crime in question. The applicant is under apprehension of imminent arrest. In case, the applicant is released on bail, he would not misuse the liberty of bail and would cooperate with the trial.

5. Learned Additional Government Advocate, has opposed the prayer for granting anticipatory bail to the applicant. It is further submitted that in this case seven persons are injured and the applicant has one criminal history and there is allegation that he was involved in damaging the public property, therefore, no case for bail is made out.

6. In the light of above, looking to the facts and circumstances of this case, submissions of learned counsel for the parties as mentioned above, taking into consideration the role assigned to the applicant as per prosecution case, gravity and nature of accusation, this Court is of the view that no case for exercising its discretionary power under Section 438 Cr.P.C. is made out in favour of applicant.

7. Accordingly, this application under Section 438 Cr.P.C. is **rejected**.

Order Date :- 13.10.2023
RavindraKSingh