**Court No. - 72**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 10901 of 2023

**Applicant :-** Tularam
**Opposite Party :-** State Of U.P. And 2 Others
**Counsel for Applicant :-** Ranjit Kumar Yadav,Hari Om Sharma,Sunil Kumar Mishra
**Counsel for Opposite Party :-** G.A.,Dan Bahadur

**Hon'ble Krishan Pahal,J.**

1. List has been revised.

2. Second supplementary affidavit filed by learned counsel for the applicant is taken on record.

3. Heard Sri Ranjit Kumar Yadav, learned counsel for the applicant, Sri Dan Bahadur, learned counsel for the informant as well as Sri Anit Kumar Shukla, 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.158 of 2022, under Sections 147, 354, 323, 504 I.P.C., Police Station Patwai, District Rampur, during the pendency of trial.

5. As per prosecution story, the applicant alongwith other co-accused persons are stated to have outraged the modesty of the informant and are even stated to have assaulted her father on 11.8.2022.

6. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. No time of offence is mentioned in the FIR. Learned counsel has further stated that the final report has been submitted in the case and the co-accused persons have been enlarged on regular bail and anticipatory bail by the Sessions Judge concerned. The applicant is also entitled for anticipatory bail. 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

on the ground of criminal history of one case assigned to the applicant as Case Crime No.39 of 2023.

8. In rebuttal, learned counsel for the applicant has stated that the said FIR has been instituted subsequent to the present FIR by the persons of same village and the final report (charge-sheet) has been submitted under Sections 323, 504, 325 I.P.C. Learned counsel has stated that the applicant had no knowledge of the said FIR, as such, he could not apply for bail in it.

9. After hearing learned counsel for the parties as well as learned A.G.A. for the State, and taking into consideration the fact that the applicant is wanted in another Case Crime No.39 of 2023 and is not on bail in it, I do not find it a fit case for grant of anticipatory bail to the applicant.

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

11. 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 :-** 28.10.2023
Vikas

**[Krishan Pahal, J.]**

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad