

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10950 of 2023

Applicant :- Rakesh Kumar

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

Counsel for Applicant :- Amit Singh Rana, Umesh Kumar
Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Compliance affidavit filed on behalf of the State is taken on record.
2. Present Anticipatory Bail Application has been filed with the prayer to grant anticipatory bail to the applicant - **Rakesh Kumar** in Case Crime No.27 of 2021, under Sections 147, 148, 188, 353, 323, 332, 504, 506, 34, 120-B I.P.C., Section 7 Criminal Law Amendment Act and Section 126 Representation of People Act, Police Station - Kakarbai, District - Jhansi.
3. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.
4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has no concern with the present matter. He has been falsely implicated in this matter. Allegations levelled against the applicant are false. Applicant's case is squarely covered under Section 438 Cr.P.C. It is further submitted that if the applicant is enlarged on bail, he will not misuse the liberty. The applicant has apprehension of his arrest any time.
5. Learned A.G.A. opposed the anticipatory bail and submitted that notice under Section 41-A Cr.P.C. has been served. It is further submitted that the applicant has no apprehension of arrest, as the offence levelled against him is punishable for a maximum period of seven years of imprisonment.
6. It is to be taken into account that the offences alleged against the accused applicant are punishable for a maximum period of seven

years of imprisonment. Applicant is already protected by virtue of the provision under Section 41-A Cr.P.C. and also under the law laid down by the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar and another, (2014) 8 SCC 273**. The Court also takes into account the submission made by the learned A.G.A. that the accused applicant has no apprehension of arrest in this matter.

7. With the above observation, the anticipatory bail application stands **disposed of** accordingly.

Order Date :- 23.11.2023

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