

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11104 of 2023

Applicant :- Suman And Another

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

Counsel for Applicant :- Virendra Singh Tomar, Krishna Dutt
Tiwari, Rajiv Sisodia

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. This application has been moved on behalf of the applicants - Suman and Ashok Kumar seeking anticipatory bail in Case Crime No. 358 of 2023, under Sections 420, 406, 452, 323, 504, 506 IPC, Police Station- Dhampur, District- Bijnor.
3. Learned AGA submitted that the offences levelled against the applicants are punishable with the imprisonment for a maximum period upto seven years. It is further submitted that a notice under Section 41-A Cr.P.C. has been given to the accused applicants in this matter by the police, and as such the applicants have no reason to believe that they have been arrested by the police.
4. In view of the above, since the accused applicants have no apprehension of arrest and also keeping in view the fact that the in such type of cases, the accused applicants are already protected from arrest by virtue of specific provision of Section 41-A Cr.P.C. and also in view of the judgement of the Apex Court passed in **Arnesh Kumar vs. State of Bihar and another, (2014) 8 SCC 273** and also in Criminal Appeal No. 2207 of 2023 (**Md. Asfak Alam Vs. State of Jharkhand & Anr**) 2023 INSC 660 delivered on 31.7.2023, Hence, there is no need to proceed further in the matter.
5. Accordingly, this application is **disposed of**.

Order Date :- 1.12.2023

Fhd