

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11321 of 2023

Applicant :- Rinku Jaiswal@ Rinku Jaisawal

Opposite Party :- State Of U.P. And Anotehr

Counsel for Applicant :- Ram Raj Pandey, Shubham Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Ram Raj Pandey, learned counsel for the applicant, Sri Pradeep Kumar Bhardwaj, learned counsel for the informant and Sri Pranshu Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Criminal Case No.7082 of 2021 (Rinku Jaiswal @ Rinku Jaisawal vs. State of UP), arising out of Case Crime No.1683 of 2021, under Sections 452, 504, 323, 506 I.P.C., Police Station Kotwali Nagar, District Bulandshahar, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have entered into an agreement to sale with the family member of the informant who had no title to the land. The applicant is stated to be a land grabber and a history sheeted person.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. The said criminal history of two cases assigned to the applicant stands explained as in one case of murder he was declared juvenile and the trial is still going on. The applicant is on bail in the said case. In the another case under Section 307 I.P.C., the applicant has been acquitted. Learned counsel has stated that subsequent to lodging of FIR the applicant had even purchased the said land. The co-sharers of the land resides far away in Singapore.
6. Learned counsel for the applicant has further stated that Umanand Swaroop had executed the said sale deed who is a *bona fide* person. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per

counsel, led to the false implication of the applicant have also been touched upon at length. Learned counsel for the applicant has also stated that the applicant has co-operated in the investigation and undertakes that he will cooperate in the investigation in future also failing which the State can move appropriate application for cancellation of the anticipatory bail.

7. Per contra, learned counsel for the informant as well as learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that the applicant had approached this Court and challenged the final report (charge-sheet) in this case by filing Application U/S 482 Cr.P.C. No.30762 of 2022 which was dismissed for want of prosecution vide order dated 27.1.2023 of this Court. Learned counsel for the informant has informed that the applicant had even filed a restoration application against the said dismissal order. Learned counsel has stated that the criminal history of the applicant has not been properly explained as no orders have been annexed to the anticipatory bail application.

8. Learned counsel for the informant has further stated that at the time of execution of said agreement and the sale deed there was an injunction in favour of the informant vide order dated 15.9.2021, as such, the said sale deed and the agreement have been entered into just to grab the land.

9. After taking into consideration the rival contentions and said arguments tendered at Bar that applicant had failed in the petition under Section 482 Cr.P.C. and also the fact that the criminal history of two cases assigned to the applicant has not been properly explained, 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 :- 13.10.2023

Vikas

[Krishan Pahal, J.]