

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11608 of 2023

Applicant :- Guddu Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar Sinha

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. None has appeared on behalf of the applicant to press this anticipatory bail application even in the revised call.
2. The instant anticipatory bail application was filed by the applicant seeking anticipatory bail in Case Crime No.560 of 2017 in Sessions Trial No.113 of 2022 (Guddu Singh Vs. State of U.P.), U/S 307 of IPC, Police Station Taryasujan, District Kushinagar, during the pendency of trial.
3. As per prosecution story, when the police was busy in the investigation in Case Crime No.435 of 2017, u/s 307, 392 of IPC, the applicant and other co-accused persons are stated to have fired at them which did not hit anybody.
4. Learned counsel for the applicant has stated that the name of the applicant has come up in the statement of arrested co-accused person which is not admissible in evidence. The applicant has no previous criminal history except one case which mentions in the FIR itself. The applicant is the resident of Bihar and does a private job in Gujarat. He is ready to cooperate during trial.
5. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application on the ground that already the proceedings u/s 82 Cr.P.C. are completed against the applicant on 17.07.2023 as the applicant has not cooperated during investigation and trial itself. There is every likelihood of applicant misusing the opportunity, if granted. Learned AGA has also placed reliance upon the judgement of Apex Court passed in Lavesb vs. State (NCT of Delhi) [(2012) 8 SCC 730: AIROnline 2012 SC 323)].
6. After considering the facts and circumstances of the case,

perusing the material available on record, hearing the submissions advanced by the learned counsel for the parties and also taking into consideration the judgement of Apex Court passed in the case of Lavesb (supra) wherein the delinquent cannot be granted anticipatory bail after the proceedings u/s 82 Cr.P.C. are completed, as such, I do not find it a fit case to enlarge the applicant on anticipatory bail.

7. In view of the above, the present anticipatory bail application is **rejected**.

(Justice Krishan Pahal)

Order Date :- 16.11.2023
Siddhant