

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11523 of 2023

Applicant :- Bhiman And Another

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

Counsel for Applicant :- Sati Shanker Tripathi, A.K. Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri A.K. Mishra, learned counsel for the applicant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and also perused the record.
3. Learned counsel for the applicant has stated that the applicant no. 1 has been arrested, as such, the present application qua applicant no. 1 is rendered infructuous and may be dismissed as infructuous.
4. In light of the aforesaid statement, the anticipatory bail application stands ***dismissed as infructuous*** qua applicant no. 1- Bhiman.
5. The present application for anticipatory bail has been filed for protection to the applicant no. 2 in regard to FIR/Case Crime No. 439 of 2023, under Sections 341, 307, 506 I.P.C., P.S.- Kosi Kalan, District- Mathura.
6. After arguing for some time, applicants' counsel submits that the present application for anticipatory bail may be disposed of with a direction to file a regular bail application which may be decided keeping in view the guidelines as laid down by the Apex Court in the case of ***Satender Kumar Antil vs. Central Bureau of Investigation and another***, reported in ***2022 SCC Online SC 825***.
7. Learned A.G.A. has no objection to the prayer made by the learned counsel for the applicants.
8. After hearing learned counsel for the parties, no case is made out for interference u/s 438 Cr.P.C. The present anticipatory bail

application is disposed of with a direction that the applicant no. 2-**Mohit** shall surrender before the concerned court within one month from today and in case, a regular bail application is filed, the same be decided in view of the law laid down by the Supreme Court in the case of ***Satender Kumar Antil (supra)***.

9. For the period of one month from today or till the time of surrender of the applicant no. 2 before the concerned court, whichever is earlier, no coercive action shall be taken against the applicant, in the above case.

(Justice Krishan Pahal)

Order Date :- 31.10.2023

Shalini