

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12506 of 2023

Applicant :- Narendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sameer Khan

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard learned counsel for applicant as well as Sri Anit Kumar Shukla, learned A.G.A. for State and also perused the material available on record.
3. The present application for anticipatory bail has been filed for protection in regard to FIR/Case Crime No. 349 of 2002, under Sections 420, 467, 468, 471 I.P.C., P.S.- Hasanpur, District-Amroha.
4. As per prosecution story, the applicant is stated to be the Lekhpal of the Gram Sabha and is stated to have committed forgery by adding the names of nine persons, who did not qualify to be allocated the lease land of the Gram Sabha.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He is a bonafide person and is still serving with the department. It is next stated that the matter of the year 1999 has been reported to the police station on 25.4.2002 i.e. after a delay of about three years. Learned counsel has next stated that the other co-accused persons have been exonerated by the police and final report (charge sheet) has been submitted against the applicant only, on 12.8.2002. The applicant had challenged the said FIR and the proceedings were stayed qua the applicant but subsequent to it, the charge sheet has been submitted and the applicant had no knowledge of any coercive measures being taken against him, as there was no service of any summons on the applicant. It is next stated that the applicant has been made a scapegoat by the then S.D.M., as he was carrying animosity to the applicant. It is next stated that the applicant has no previous criminal history. In case, the anticipatory

bail application of the applicant is allowed, he will not misuse the liberty and shall cooperate with trial.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for anticipatory bail on the ground that the final report (charge sheet) has been submitted against the applicant after thorough investigation on 12.8.2002 itself and the applicant is eluding the Court since about 21 years and being a government official, has misused his clout. The applicant was the sole person responsible for allocation of lease land, and as such, he is not entitled for anticipatory bail.

7. Considering the rival submissions advanced by the learned counsel for the parties and also the fact that long period has elapsed since the filing of charge sheet (final report) and the present application, coupled with the fact that the applicant was the person responsible for apportionment of land for lease in the Gram Sabha, I do not find it a fit case for grant of anticipatory bail to the applicant, as the arguments advanced by learned counsel for the applicant pertain to regular bail application and cannot be agitated at this stage u/s 438 Cr.P.C.

8. In view of the above, the present anticipatory bail application is found devoid of merits and is, accordingly, **rejected**.

9. 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.

(Justice Krishan Pahal)

Order Date :- 16.11.2023

Shalini