

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11932 of 2023

Applicant :- Evaran Singh

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

Counsel for Applicant :- Hare Krishna Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for applicant as well as Sri D.K. Singh, 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. 112 of 2023, under Sections 323, 308, 504, 506 I.P.C., P.S.- Fatehabad, District- Agra.
4. As per prosecution story, the applicant alongwith six other co-accused persons, is stated to have assaulted two nephews of the informant by axe and farsa on 9.4.2023 at about 7.30 pm, thereby causing grievous injuries to them.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. It is next stated that the FIR is delayed by thirteen days and there is no explanation of the said delay caused. The said inordinate delay speaks volume of the falsity of the allegations. Learned counsel has further stated that there is contradiction in the CT Scan reports of the injured Shivam and Anil. It is next stated that the present case is a cross case to the NCR No. 138 of 2023 u/s 323, 504, 506 IPC instituted on behalf of the applicants on 11.4.2023. Learned counsel has further stated that in the said case, the final report (charge sheet) has been submitted against the informant and other persons. It is stated that the applicant has no 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 account of cross version, as it indicates that the applicant was present at the scene of occurrence, 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 there is a cross version to the present case and the presence of the applicant seems to be there, 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 :- 9.11.2023

Shalini