

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12009 of 2023

Applicant :- Mukul

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Kumar Singh, Mahendra
Kumar Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Mahendra Kumar Singh, learned counsel for the applicant, Sri S.P. Pandey, 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 Case Crime No.353 of 2021, under Sections 420, 467, 468, 471, 120-B I.P.C., Police Station-Nagina Dehat, District Bijnor, during the pendency of trial.
4. As per prosecution story, the applicant alongwith three other co-accused persons is stated to have duped the informant to the tune of Rs.12 lakhs on the pretext that his son Sachin shall be given a job in FCI department.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in this case. He has nothing to do with the said offence. There are allegations of transfer of Rs.29,000/- to the account of brother of the applicant Shubham and Rs.1,50,000/- to the account of co-accused person Vicky. Learned counsel has stated that no amount has been transferred to the account of the applicant. The allegations against the applicant are vague.
6. Learned counsel for the applicant has further stated that the applicant was granted anticipatory bail till submission of report under Section 173(2) Cr.P.C. or 90 days, vide order dated 18.4.2022 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.2917 of 2022 and he had not misused the said liberty. Subsequent to it, the said anticipatory bail application was dismissed for want of prosecution and being infructuous vide order dated 15.9.2022 as the final report (charge-sheet) was submitted against the applicant and other co-

accused persons. The applicant has apprehension of his arrest. Learned counsel for the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Per contra, learned AGA has vehemently opposed the anticipatory bail application on the ground of criminal history of two cases assigned to the applicant as Case Crime No.160 of 2022, under Sections 420, 406, 467, 468, 471, 323, 504, 506 I.P.C., Police Station- Amroha Dehat and Case Crime No.161 of 2022, under Sections 420, 406, 467, 468, 471, 323, 504, 506 I.P.C., Police Station- Amroha Dehat, District Amroha.

8. In rebuttal, learned counsel for the applicant has stated that the criminal history of the applicant has been explained in paragraph-24 of the affidavit, whereby he has stated that the allegations in the said FIRs are similar in nature and the applicant had complied with the provisions of Section 41-A Cr.P.C. after notices were given to him by the Investigating Officer concerned. The applicant need not to apply for bail in those cases so far.

9. After hearing the arguments tendered at Bar and taking into consideration that there is criminal history of two cases of the applicant which has not been properly explained and also the fact that the criminal history is of similar in nature, 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 :- 2.11.2023

Vikas

[Krishan Pahal, J.]