

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12103 of 2023

Applicant :- Brahmpal

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

Counsel for Applicant :- Dr. C.P. Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard Sri Dr. C.P. Upadhyay, learned counsel for applicant, learned A.G.A. for State and also perused the material available on record.

2. The present application for anticipatory bail has been filed by the applicant for protection in regard to Case No.7619 of 2017 arising out of Case Crime No.60 of 2003, under Sections 255, 256, 257, 258, 259, 420, 467, 468 I.P.C. and Section 60/62 of Excise Act, P.S.- Bhopa, District-Muzaffarnagar.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case; the applicant is 80% handicapped person aged about 70 years, copy of the disability certificate issued by Officer of the C.M.O. Muzaffarnagar (U.P.), dated 7.12.2020 is annexed as Annexure No.7 to the affidavit. He submitted that earlier interim protection has been granted in favour of the applicant. He further submitted that no offence under Section 367 I.P.C. is made out against the applicant.

4. After arguing for some time, applicant's counsel submits that he does not want to press the prayer for release of the applicant on anticipatory bail. His sole prayer is that a direction may be issued to the court below to decide the bail application of the applicant in view of the judgement in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922.**

5. Learned A.G.A. has no objection to the prayer made by the learned counsel for the applicant.

6. In view of the above, considering the aforesaid alternative prayer made by learned counsel for the applicant, the present anticipatory bail application is **disposed of** with the direction that in case the applicant filed bail application before the court below, the same shall be heard and disposed of expeditiously by the court below in view of the settled law laid down by the Apex court in the case of **Satender Kumar Antil (supra)**.

7. With the above observations and directions, this application is disposed of.

Order Date :- 3.11.2023

Krishna*