

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12029 of 2023

Applicant :- Ram Ji Rajbhar

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

Counsel for Applicant :- Jai Prakash Singh, Raj Kiran
Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Supplementary affidavit filed today is taken on record.
3. Heard learned counsel for the parties and perused the material placed on record.
4. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.130 of 2023, under Section 306 IPC, Police Station Sadat, District Ghazipur, during the pendency of trial.
5. As per prosecution story, the applicant alongwith other persons is stated to have abetted the deceased person to commit suicide on 23.08.2023.
6. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. The cause of death is asphyxia as a result of ante-mortem hanging. Learned counsel has further placed much reliance on the suicide note of the deceased person, whereby he has not uttered a single word against the applicant rather he has allayed charges against the persons of particular community of having abetted him to commit suicide.
7. Learned counsel for the applicant has further stated that the criminal history assigned to the applicant stands explained as he has been exonerated in Case Crime No.915 of 2017, under Sections 147, 148, 149, 323, 504, 506 and 427 I.P.C. The applicant was granted arrest stay in Case Crime No.22 of 2018 and the investigation is still going on. In Case Crime No.197 of 2017, he has been acquitted and the order has been annexed. Learned counsel has further stated that in Case Crime No.03 of 2018, under Electricity Act, the case is compounded and the said receipt of the deposition of the amount has been annexed.

Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.

8. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the criminal history assigned to the applicant has not been properly explained as in Case Crime No.03 of 2018, no compounding order has been annexed. Only deposition receipts of an amount of Rs.19,306/- have been annexed. Learned A.G.A. has further stated that that the arrest stay, in the writ petition, granted to the applicant, stands vacated, as such the criminal history has not been properly explained.

9. After hearing learned counsel for the parties and taking into consideration the fact that the criminal history of two cases assigned to the applicant has not been properly explained, I do not find it a fit case for grant of anticipatory bail to the applicant. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

10. 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 :- 28.11.2023

Ravi Kant

(Krishan Pahal, J.)