

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12933 of 2023

Applicant :- Suresh Kumar

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

Counsel for Applicant :- Dheeraj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Dheeraj Kumar Singh, learned counsel for the applicant and Sri Deepak Kumar Singh, learned A.G.A. for the State as well as perused the record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.276 of 2019, under Section 406 I.P.C., Police Station Noida Sector-49, District Gautam Buddh Nagar, during the pendency of trial.
4. As per prosecution story, the informant is stated to have given his car no. UP 16ET 1952 to the applicant on rent and the applicant is stated to have run away with and not returned the said car in the year 2018.
5. Learned counsel for the applicant has stated that the applicant has nothing to do with the said offence. The FIR is delayed and there is no explanation of the said delay caused. The applicant was the driver of the informant and he had not given the applicant's salary of two months for the same. On having demanded his salary, the present FIR has been instituted. There is no recovery from the applicant.
6. Learned counsel has further stated that the applicant has no previous criminal history except one case instituted subsequent to the present FIR. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at length. The applicants are ready to cooperate during trial.
7. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application on the ground that already the applicant has been declared a proclaimed offender and

proceedings under Section 82 are complete on 18.08.2020. Much time has passed since then and the applicant is deliberately avoiding the Court and not letting the trial commence.

8. After hearing learned counsel for the parties and taking into consideration the judgment of Apex Court passed in **Lavesh vs. State (NCT of Delhi), (2012) 8 SCC 730**, 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**.

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 during trial.

Order Date :- 24.11.2023

Ravi Kant

(Krishan Pahal, J.)