

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12520 of 2023

Applicant :- Rajiv Kumar

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

Counsel for Applicant :- Vivek Sharma

Counsel for Opposite Party :- G.A.,Abhishek Kumar
Saroj,Amardeo Singh,Punit Kesarwani

Hon'ble Shekhar Kumar Yadav,J.

1- Heard 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 Crime No.154 of 2023, under Sections 420, 406, 467, 468, 471 I.P.C., Police Station- Crossing Republic, District- Ghaziabad.

3- Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. Earlier the applicant moved anticipatory bail application under Sections 420 406 I.P.C., which was allowed by the Additional District & Session Judge, Court No.5 Ghaziabad and subsequently, the informant has filed bail cancellation application, which was also allowed. He submitted that during investigation, the investigating officer has also added Sections 467, 468, 471 I.P.C. Being aggrieved, the applicant again approached before the court below by filing anticipatory application under the above mentioned sections and the court below rejected the same. Charge sheet has already been submitted. He has further submitted that the applicant is having no previous criminal history as has been mentioned in paragraph 26 of the affidavit.

4- Learned A.G.A. has opposed the prayer for anticipatory bail of the applicant. He has submitted that charge sheet has been submitted in the entire sections. Now, no summon was issued by Court below and as such there is no apprehension of arrest and the present application is pre-mature and the present application has no force and is liable to be dismissed.

5- Without expressing any opinion on the merits of the case and

considering the allegation levelled against the applicant and the nature and gravity of the accusation, I find no ground for grant of anticipatory bail to the applicant.

6. Accordingly, this application under Section 438 Cr.P.C. is **dismissed**. Applicant is advised to move regular bail application before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 16.11.2023

Imtiyaz