

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12420 of 2023

Applicant :- Rashid

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard Sri Santosh Yadav, learned counsel for the applicant and learned A.G.A as well as perused the material available on record.
2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.13 of 2013, under Sections 395, 397 I.P.C., P.S.- Naugawan Sadat, District- Amroha.
3. As per FIR, seven accused persons including the applicant entered in the house of the informant carrying fire arms and looted Rs.40,000/-, 6 kg. silver and 6 Tola gold.
4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case in fact no such incident took place as alleged in the FIR. He submitted that during investigation I.O. found no evidence against the applicant as well as other accused persons and submitted final report before the court below, thereafter, a protest petition was filed and the same was allowed and accused persons including the applicant were summoned court below. Thereafter, the applicant approached before this Court in Application U/S 482 No.31990 of 2014 (Muzammil and 3 others Vs. State of U.P. and another) and the co-ordinate Bench of this Court vide order dated 1.9.2014 disposed of the said application directing the applicants to appear or surrender before the court concerned within a period of two weeks from the date of order. Learned counsel for the applicant submitted that the applicant did not comply with the order dated 1.9.2014 and did not appear before the court below, thereafter, the court below issued N.B.W. and initiated proceedings under Section 82 Cr.P.C. against the

applicant. Learned counsel for the applicant further submitted that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.

5. From the perusal of record, the matter is of the year 2013 and the applicant is deliberately not appearing before the court concerned and such the applicant is not entitled for anticipatory bail.

6. Accordingly, the present anticipatory bail application is **dismissed**.

Order Date :- 9.11.2023

Krishna*