

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12272 of 2023

Applicant :- Satpal

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

Counsel for Applicant :- Neeraj Kumar Chaurasiya, Mohd.
Naushad Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Neeraj Kumar Chaurasiya, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.1518 of 2010, under Sections 420, 467, 468 and 471 IPC, Police Station Kotwali Nagar, District Muzaffarnagar, during the pendency of trial.
4. As per prosecution story, the applicant in collusion with the other co-accused persons is stated to have forged the age certificates of Harendra and sister of the informant and thereby got their marriage solemnized at Arya Samaj Mandir in the year 2010.
5. Learned counsel for the applicant has further stated that the applicant has been falsely implicated in the present case only on the basis of suspicion. Another FIR was instituted against the applicant and other co-accused persons as Case Crime No.375 of 2010, under Sections 363 and 366 I.P.C., P.S. Titawi, District Muzaffarnagar and the applicants were granted protection till the submission of report under Section 173(2) Cr.P.C. vide order dated 19.05.2010 passed in Criminal Misc. Writ Petition No.8462 of 2010. Learned counsel has further stated that as such the criminal history of one case assigned to the applicant stands explained.
6. Learned counsel for the applicant has further stated that the applicant had filed a petition under Section 482 No.14067 of 2014 and the interim protection was granted to the applicants vide order dated 28.04.2014 and the said petition was disposed of and the applicants were granted opportunity to appear before

the court concerned and apply for bail in light of the judgment of Apex Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825** vide order dated 28.7.2023. 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. Learned counsel has further stated that the applicant is ready to cooperate during trial.

7. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application on the ground that the applicant has avoided the process of Court since 2010 and is not entitled for anticipatory bail in light of the judgment of this Court passed in **Shivam vs. State of U.P. and Another, 2021 SCC OnLine All 264**.

8. After hearing learned counsel for the parties and taking into consideration the judgment passed by this Court passed in **Shivam (supra)** and also the fact that the criminal history of the applicant has not been properly explained as no order of bail has been annexed, I do not find it a fit case for grant of anticipatory bail to the applicant.

9. 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 :- 7.11.2023
Ravi Kant

(Krishan Pahal, J.)