

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12324 of 2023**

Applicant :- Anil

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Bahadur Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ram Bahadur Singh, learned counsel for the applicant, Sri S.P. Pandey, 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.139 of 2023, under Sections 342, 323, 325 and 308 IPC, Police Station Dankaur, District Gautam Buddh Nagar, during the pendency of trial.
4. As per prosecution story, the applicant alongwith four other persons are stated to have assaulted the son of the informant in the night of 20.05.2023, thereby causing grievous injuries to him.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has been assigned the role of catching hold of the injured person and not of assaulting him. Learned counsel has further stated that the applicant has strong alibi as he was attending his duties at Seviar Time Office Software on the date of incident i.e. on 20.05.2023 from 14:16 hours to 23:01 hours, as such he is entitled for anticipatory bail. Learned counsel has further stated that the present case is a clear case of false implication. There are no criminal antecedents of the applicant.
6. Learned counsel for the applicant has stated that the co-accused person Manoj has been enlarged on regular bail by this Court. Learned counsel has further stated that of the injuries, only six injuries have been found grievous and rest ten injuries were simple in nature. 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.

7. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that there are sixteen injuries sustained by the injured person and there is a fracture of nasal bone and parietal bone.

8. After hearing learned counsel for the parties and taking into consideration the fact that the injured person has sustained sixteen injuries in all including several injuries on vital part, I do not find it a fit case for grant of anticipatory bail to the applicant. The arguments tendered at Bar pertain to regular bail application. They cannot be agitated at the stage of 438 Cr.P.C. 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 :- 8.11.2023

Ravi Kant

(Krishan Pahal, J.)