

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12332 of 2023**

Applicant :- Avdhesh @ Bhure

Opposite Party :- State of U.P.

Counsel for Applicant :- Shailendra Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Abhinav Dwivedi, Advocate holding brief of Sri Shailendra Kumar Tripathi, learned counsel for the applicant, Sri Deepak Kumar Singh, 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.219 of 2023, under Sections 420, 386, 506 and 120-B IPC, Police Station Mohammadabad, District Farrukhabad, during the pendency of trial.
4. As per prosecution story, the land in question was seized under the provisions of Gangsters Act and it was allotted to the informant to use it for agriculture. The informant is stated to have made the applicant a sharer in it as the land was beyond his capacity to do farming. But subsequently, the applicant is stated to have threatened the informant that he shall have to give Rs.2.5 lakhs per annum, then only he shall be allowed to undertake farming on the said land.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. In all, ten cases have been assigned to the applicant and the applicant is on bail in eight cases and one case was instituted during the pandemic and the another case is under Sections 323, 504 and 506 I.P.C., as such he may be enlarged on anticipatory bail in the present case. 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. The investigation is going on and the the applicant is ready to co-operate in the investigation as well as trial also.

6. Per contra, learned A.G.A. has opposed the anticipatory bail application.

7. After hearing learned counsel for the parties and taking into consideration the fact that that the applicant has long criminal history of ten cases, of which he has annexed the orders of eight cases only, 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**.

8. 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 :- 23.11.2023

Ravi Kant

(Krishan Pahal, J.)