Court No. - 73
Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 12368 of 2023
Applicant :- Mohammad Momin
Opposite Party :- State of U.P.
Counsel for Applicant :- Sushil Kumar Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Compliance affidavit filed today on behalf of the State is taken on record.

2. Heard learned counsel for the applicant as well as the learned AGA and perused the material available on record.

3. This application has been moved on behalf of the applicant **Mohammad Momin** seeking anticipatory bail in Case Crime No. 574 of 2023, under Sections 420, 406 IPC, P.S. Kotwali City, District Muzaffarnagar.

4. Learned AGA submitted that the offences levelled against the applicant are punishable with the imprisonment for a maximum period of seven years. It is further submitted that a notice under Section 41-A Cr.P.C. has been given to the accused applicant in this matter by the police, and as such the applicant has no reason to believe that he will be arrested by the police.

5. In view of the above, since the alleged offences are punishable with the imprisonment for a maximum period of seven years, the accused applicant has no apprehension of arrest and in such type of cases the accused applicant is already protected from arrest by virtue of specific provision of Section 41-A Cr.P.C. and also in view of the judgement of the Apex Court passed in **Arnesh Kumar vs. State of Bihar and another, (2014) 8 SCC 273** and also in Criminal Appeal No. 2207 of 2023 **(Md. Asfak Alam Vs. State of Jharkhand & Anr) 2023 INSC 660** delivered on 31.7.2023. Hence, there is no need to proceed further in the matter.

6. The application is **disposed of** accordingly.

Order Date :- 30.11.2023
safi

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad