

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12385 of 2023

Applicant :- Prashant

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajeev Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Anurag Dubey, Advocate holding brief of Sri Rajeev Tiwari, learned counsel for the applicant, Ms. Ifrah Islam, 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.261 of 2023, under Sections 420, 467, 468, 471, 171 and 120B IPC, Police Station Ganganagar, District Meerut, during the pendency of trial.
4. As per prosecution story, several material pertaining to issuance of illegal appointment letters of Indian Army were recovered from the possession of the father of the applicant from his house on 11.09.2023.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. His name has come up in the statement of his father co-accused person who was arrested by the police, who is stated to have impersonated himself to be an Army personnel. Learned counsel has further stated that the said statement of his father co-accused person is not admissible in Indian Evidence Act. The applicant has no previous criminal history except one more case instituted of similar nature. The criminal history of that case stands explained as he had complied with the provisions of Section 41-A Cr.P.C. and was released on personal bond. 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.

6. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the said criminal history has not been explained as charge-sheet has already been submitted on 20.03.2020.

7. After hearing learned counsel for the parties and taking into consideration the fact that the criminal history of the applicant has not been properly explained, 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 :- 8.11.2023

Ravi Kant

(Krishan Pahal, J.)