

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 12365 of 2023

Applicant :- Mohit Kumar

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

Counsel for Applicant :- Suresh Dhar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record.
2. This Criminal Misc. Anticipatory Bail Application has been filed seeking anticipatory bail in Case Crime No. 417 of 2023, under Section 392 IPC, P.S. Surajpur, District Gautambudha Nagar, District Gautambudha Nagar during the pendency of trial.
3. It is alleged in the FIR that on 6.08.20223 at about 8.30 when the informant is said to have gone to take his relative on a motorcycle at that time three persons came at the place and looted his cash, mobile and his motorcycle and ran away from the spot.
4. It is submitted that in this case applicant is innocent and has been falsely implicated by the police with ulterior motive. He is not named in the FIR. There is no public witness of the incident. It is further submitted that name of the accused applicant came into light during investigation in the confessional statement of co accused. There is no credible evidence to connect the applicant with the crime in question. The applicant is under apprehension of imminent arrest. In case, the applicant is released on bail, he would not misuse the liberty of bail and would cooperate with the trial.
5. Learned Additional Government Advocate, has opposed the prayer for granting anticipatory bail to the applicant. It is further submitted that after committing the offence of loot, all the accused persons ran away from the spot, and it being a serious offence, no case for bail is made out.
6. In the light of above, looking to the facts and circumstances of this case, submissions of learned counsel for the parties as mentioned above, taking into consideration the role assigned to the applicant as per prosecution case, gravity and nature of accusation, this Court is of the view that no case for exercising its discretionary power under Section 438 Cr.P.C. is made out in favour of applicant.
7. Accordingly, this application under Section 438 Cr.P.C. is **rejected**.

Order Date :- 21.11.2023

RavindraKSingh