

**Court No. - 71**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 12469 of 2023

**Applicant :-** Monu Upadhyay

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Pramod Kumar Singh, Binay  
Kumar Tripathi

**Counsel for Opposite Party :-** G.A., Dhirendra Kumar  
Verma, Juhi Srivastava, Renu Swarnkar

**Hon'ble Shekhar Kumar Yadav, J.**

1. Heard learned counsel for applicant and learned counsel for the informant as well as perused the material available on record.

2. The present application for anticipatory bail has been filed by the applicant for protection in regard to Case Crime No.0118 of 2023, under Sections 354-D, 506 I.P.C. and Section 67 of I.T. Act, P.S.- Mungrabadshahpur, District-Jaunpur.

3. As per prosecution story, there is allegations against the applicant regarding stalking, extending threat and spreading the photos of complainant on social media with obscene comment.

4. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case in fact no such incident took place as alleged in the impugned FIR. The applicant has no criminal history. Learned counsel for the applicant further submits that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.

5. Learned A.G.A. opposed the prayer for anticipatory bail of the applicant and has submitted that the applicant is named in the FIR, there is serious allegation of stalking, extending threat and spreading the photos of complainant on social media with obscene comment against the applicant and the victim has fully supported the prosecution story in her statement recorded under Section 164 Cr.P.C., therefore,

keeping in view the seriousness of the allegations made against the applicant, he is not entitled to grant of anticipatory bail. The apprehension of the applicant is not founded on any material on record. Only on the basis of imaginary fear, anticipatory bail cannot be granted.

6. From the perusal of material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant.

7. After having very carefully examined, the submissions made by the learned counsel for the applicant and perused the material available on record, there is no justification for granting anticipatory bail to the applicant. Accordingly, the prayer for grant of anticipatory bail is hereby refused.

8. Accordingly, this application under Section 438 Cr.P.C. is **dismissed**.

**Order Date :- 6.12.2023**

Krishna\*