

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12667 of 2023

Applicant :- Munnu @ Munnu Saroj And Another

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Surya Bhan Singh, Ram Kailash
Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Surya Bhan Singh, learned counsel for the applicants and Sri S.P. Pandey, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.302 of 2022, registered under Sections 420, 506 I.P.C. and 66C of Information Technology Act, at Police Station Baksa, District Jaunpur with a prayer to enlarge them on anticipatory bail.
4. Learned counsel for the applicants has stated that the applicants were granted anticipatory bail till submission of police report under Section 173(2) Cr.P.C. vide order dated 20.10.2022 of this Court passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.9907 of 2022. Learned counsel has stated that no circumstances have changed since then. The final report (charge-sheet) has been submitted without any proper investigation. Learned counsel has further stated that the co-accused person Amit Maurya @ Guddu Maurya is arrested by the police, as such, Section 66-C of IT Act has been added.
5. Learned counsel for the applicants has further stated that the criminal history of two cases assigned to the applicant no.1 stands explained vide supplementary affidavit dated 7.11.2023. The applicants have apprehension of their arrest. Learned counsel for the applicants undertakes that they have co-operated in the investigation and are ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.
6. Per contra, learned A.G.A. has vehemently opposed the

anticipatory bail application on the ground that the applicant no.1 was convicted in S.T. No.371 of 2006 vide order dated 27.1.2020, as such, he was granted bail by this Court vide order dated 4.2.2010 passed in Criminal Appeal No.584 of 2010. The applicants are not entitled for anticipatory bail as the applicant no.1 is a previous convict.

7. After hearing learned counsels for the parties and taking into consideration the fact that applicant no.1 is a previous convict, I do not find it a fit case to grant anticipatory bail to the applicants.

8. The present anticipatory bail application is hereby found devoid of merits and is, accordingly, ***rejected***.

Order Date :- 20.11.2023

Vikas

[Krishan Pahal, J.]