

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12614 of 2023

Applicant :- Pankaj Sahni

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

Counsel for Applicant :- Shravan Kumar Panday, Byas Kumar Prasad

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. 02140 of 2023, under Sections 379, 411, 413, 414, 467, 468, 471 IPC and Section 9/25 (2) of the Arms Act, P.S. Banshdeeh Road, District Ballia during the pendency of investigation.
3. It is alleged that a vehicle of which the complainant was driver had been stolen away while he went to close the water.
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. His name came into light in the confessional statement of co accused. There is no credible evidence to connect the applicant with the crime in question. There is no recovery from him. 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 there is allegation against the applicant and other co accused persons that they have stolen the vehicle and from the material collected during investigation applicant is also involved in the alleged offence, hence, 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. After arguing for some time, applicant's counsel submits that a direction may be issued to the court below to decide the bail application of the applicant in view of the judgement in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922 as no** offence under Sections 467, 468, 471 IPC is made out against the applicant.

8. In the circumstances, without prejudice to the merits of the case, application is **disposed of** with the direction that in case the applicant appears and moves regular bail application before the appropriate forum, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 24.11.2023

RavindraKSingh