

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12703 of 2023

Applicant :- Akash

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

Counsel for Applicant :- Sujata Choudhary, Mohit Kumar
Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Ms. Sujata Chaudhary, learned counsel for the applicant, Sri V.K.S. Parmar, 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.689 of 2021, under Sections 366 and 323 IPC, Police Station Kankerkheda, District Meerut, during the pendency of trial.
4. As per prosecution story, the co-accused person Chhotu @ Yashvir Singh is stated to have abducted the informant and later on is stated to have administered some obnoxious material to her, thereby rendering her unconscious and in such state is stated to have got solemnized the marriage with her in collusion with the applicant and other co-accused persons.
5. Learned counsel for the applicant has further stated that the applicant has been falsely implicated in the present case. There are several contradictions in the statement of the victim herself as she has mentioned wrong date of occurrence. Learned counsel has also placed much reliance on the statement of independent witness Sunny who has stated that the applicant was not present at the time the co-accused persons were taking away the victim, as such he is entitled for anticipatory bail.
6. Learned counsel for the applicant has further stated that the applicant had filed a petition under Section 482 Cr.P.C. No.42591 of 2022 and the same was disposed of with directions to apply for bail in the light of the judgment of the Apex Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825** vide

order dated 12.1.2023, as such the applicant has applied for anticipatory bail. Learned counsel has further stated that the word 'bail' includes 'anticipatory bail' also. 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.

7. Per contra, learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that the case of the applicant is squarely covered by paragraph 43 of the judgment of this Court passed in **Shivam vs. State of U.P. and Another, 2021 SCC OnLine All 264**.

8. After hearing learned counsel for the parties and taking into consideration the fact that the applicant has failed in the petition filed under Section 482 Cr.P.C. and in light of paragraph 43 of the judgment of this Court passed in **Shivam (supra)**, I do not find it a fit case for grant of anticipatory bail to the applicant.

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

10. 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 :- 29.11.2023

Ravi Kant

(Krishan Pahal, J.)