

Court No. - 73

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12863 of 2023**

Applicant :- Chandrajeet Yadav

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Rajesh Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. This application has been moved on behalf of the applicant **Chandrajeet Yadav** seeking anticipatory bail in Case Crime No. 166 of 2023, under Sections 385, 406, 420, 467, 468, 504, 506 IPC, Police Station Dullahpur, District- Ghazipur.
3. The informant had some dispute with a lady namely Kiran Rajbhar and on pursuation of the present applicant to settle the matter Rs.4,85,000/- were sent in the bank account of the present applicant by the informant through electronic transaction but the money was not given by the applicant to Kiran Rajbhar and it was also not repaid to the informant when demanded by him. FIR was lodged on 29.9.2023 and investigation started, which is still going on.
4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has no concern with the present matter. Allegations levelled against the applicant are false. It is further argued that investigation is going-on and till date no charge-sheet has been submitted against the accused applicant. It is further submitted that the amount to a tune of Rs.4,85,000/- has already been paid by the applicant to the lady Kiran Rajbhar and in this way he has committed no forgery with the informant and as per their statement the money which was transferred by electronic way in favour of the applicant has already been paid in cash to the aggrieved lady Kiran Rajbhar. It is further submitted that the applicant has no criminal history to his credit and he has absolutely no concern with the matter. It is further submitted that investigation is going on and he is cooperating with the investigation of the case and is entitled for anticipatory bail. It is

lastly submitted that in case applicant is granted anticipatory bail, he will not misuse the liberty of bail and would obey all conditions of bail.

5. Learned A.G.A. opposed the prayer for anticipatory bail. It is vehemently submitted that Rs.4,85,000/- were transferred in the bank account of the present applicant and that is an admitted fact. It is further submitted that there is no proof to the effect that the aforesaid amount was ever transferred in favour of the aggrieved lady Kiran Rajbhar and the said Kiran Rajbhar has also stated before the I.O. in her statement under Section 161 Cr.P.C. that she has got no money which was delivered in her favour by the present applicant by the informant. The applicant has cheated the informant and grabbed her money, as such, he is not entitled for anticipatory bail.

6. In the present case ample evidence has been collected against the applicant by the I.O. during course of investigation. The money has been transferred in electronic method by the informant in favour of the applicant and the same has been usurp by the applicant.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has settled held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, I deem it not a fit case to grant anticipatory bail to the present applicant. Prayer made in the application is refused.

9. The anticipatory bail application is **rejected**.

Order Date :- 1.12.2023//Fhd