

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12872 of 2023

Applicant :- Sanjay

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

Counsel for Applicant :- Santosh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Aakash Mishra, learned Advocate holding brief for Sri Santosh Singh, learned counsel for applicant as well as Sri Anit Kumar Shukla, learned A.G.A. for State and also perused the material available on record.
3. The present application for anticipatory bail has been filed for protection in regard to FIR/Case Crime No. 389 of 2023, under Sections 420, 120B, 406, 467, 468, 506 I.P.C., P.S.- Masuri, District- Ghaziabad.
4. The applicant in collusion with the other co-accused persons are stated to have befriended the informant and duped Rs. 15 lakhs from him on the pretext that he shall be given a land in lieu of it.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. Learned counsel has further stated that no money has been transferred to his account. The criminal history of the applicant stands explained, as he is on anticipatory bail in Case Crime No. 374 of 2023 and he is on regular bail in Case Crime No. 386 of 2016. Learned counsel has also stated that the applicant has applied for anticipatory bail in Case Crime No. 375 of 2023, which is pending before this Court, as such, the applicant is entitled for anticipatory bail. In case, the anticipatory bail application of the applicant is allowed, he will not misuse the liberty and shall cooperate with trial.
6. Per contra, learned A.G.A. has vehemently opposed the prayer for anticipatory bail on the ground that the applicant is having a criminal history of three cases. Two of them are of similar nature, as such, the applicant is not entitled for anticipatory bail. Learned A.G.A. has further stated that the applicant is a member of the larger gang, which is involved in

duping several persons of the locality.

7. Considering the rival submissions advanced by the learned counsel for the parties and also the fact that criminal history of four cases has been assigned to the applicant and he is on bail in two of those cases, I do not find it a fit case for grant of anticipatory bail to the applicant as the arguments advanced by learned counsel for the applicant pertain to regular bail application and cannot be agitated at this stage u/s 438 Cr.P.C.

8. In view of the above, the present anticipatory bail application is found devoid of merits and is, accordingly, **rejected**.

9. 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.

(Justice Krishan Pahal)

Order Date :- 1.12.2023

Shalini