

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12937 of 2023

Applicant :- Saleem @ Waseem @ Akram

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

Counsel for Applicant :- Santosh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Supplementary affidavit has been filed on behalf of the applicant today in the Court, the same is taken on record.
2. Heard Sri Santosh Singh, learned counsel for the applicant and learned A.G.A as well as perused the material available on record.
3. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.389 of 2023, under Sections 420, 120-B, 406, 467, 468, 506 I.P.C., P.S.- Masuri, District- Ghaziabad.
4. As per prosecution, the informant moved an application before the Police Commissioner, Ghaziabad alleging therein that some persons made a gang and cheated Rs.15,00,000/- from the informant. It is further alleged that accused persons prepared forged affidavit and made informant's signature.
5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. He submitted that the applicant neither received any money nor executed any sale deed as alleged in the impugned FIR. He further submitted that the applicant has criminal history of two cases which has been explained in paragraph nos. 2 and 3 of the supplementary affidavit. Learned counsel for the applicant further submitted that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.
6. Learned A.G.A. has opposed the prayer for anticipatory

bail of the applicant. He has submitted that the applicant is habitual of committing offence of fraud and cheating, therefore, the applicant is not entitled to grant of anticipatory bail.

7. Without expressing any opinion on the merits of the case and considering the allegation levelled against the applicant, I find no ground for grant of anticipatory bail to the applicant.

8. Accordingly, this application under Section 438 Cr.P.C. is **dismissed**. Applicant is advised to move regular bail application before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 2.12.2023
Krishna*