

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12972 of 2023

Applicant :- Suman Chauhan And 2 Others

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

Counsel for Applicant :- Kailash Pati Singh Yadav, Sheo Prasad Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Kailash Pati Singh, learned counsel for the applicants and Sri Anit Kumar Shukla, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.347 of 2023, registered under Sections 34, 323, 327, 427, 504, 506 I.P.C. at Police Station- Bardah, District- Azamgarh with a prayer to enlarge them on anticipatory bail.
4. Learned counsel for the applicants has stated that applicant no.2 has been arrested by the police and the present anticipatory bail application qua applicant no.2- Nagina Chauhan may be dismissed as having rendered infructuous and the same is dismissed as such.
5. The present anticipatory bail application is being heard as far as the applicant nos. 1 & 3 are concerned.
6. As per prosecution story, the applicants, who have been named as three daughter-in-law of Adhya Chauhan, alongwith other co-accused persons are stated to have assaulted the informant and her niece Prahlad over an altercation regarding the possession of leased land on 21.8.2023 at about 02:00 a.m.
7. Learned counsel for the applicants has stated that they have been falsely implicated in this case. The FIR is delayed by about one day and there is no explanation of the said delay caused. The applicants are lady and they have not been directly named in the FIR rather they have been named regarding their relation. The present offence is regarding the land dispute only. Learned counsel has stated that the injuries are simple, although he has not annexed any injury report to the anticipatory bail

application.

8. Learned counsel for the applicants has further stated that there are no criminal antecedents of the applicants. There are general allegations against all the accused persons. No particular role has been assigned to any person regarding inflicting injuries to the injured person. The applicants have apprehension of their arrest. Learned counsel has stated that the applicants undertake that they have co-operated in the investigation and are ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

9. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application and has stated that he has received the injury report in the instructions which indicates towards the complicity of all the accused persons. Learned A.G.A. has further stated that the arguments tendered at Bar by learned counsel for the applicants pertain to regular bail which cannot be agitated under the provisions of Section 438 Cr.P.C.

10. After hearing learned counsel for the applicants as well as learned A.G.A. and taking into consideration that the arguments tendered at Bar on behalf of the applicants pertain to regular bail, I do not find it a fit case to grant anticipatory bail to the applicants.

11. The present anticipatory bail application qua applicant nos. 1 & 3, namely, Suman Chauhan and Kansa Devi is hereby found devoid of merits and is, accordingly, **rejected**.

12. 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 :- 24.11.2023

Vikas

[Krishan Pahal, J.]