

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13153 of 2023

Applicant :- Jabbar

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Manoj Kumar Dubey, 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.109 of 2018 (Session Trial No.1580 of 2018), under Sections 420, 406, 467, 468, 471, 506 I.P.C., Police Station Bhojpur, District Ghaziabad, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have executed a sale deed in favour of the informant for a consideration of Rs.45 lakhs without any title.
5. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. The allegations are false as the applicant is the *bona fide* title holder of the land and has executed the said sale deed legally. He has nothing to do with the said offence. There is no criminal antecedent of the applicant. The applicant has apprehension of his arrest. Learned counsel has stated that the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.
6. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application on the ground that the said land belong to LMC and the applicant had taken it on lease and had filed fake declaratory suit and got the title in his name and the same has been set-aside by the appellate authority. Learned A.G.A. has further stated that the applicant had agitated the provisions of Section 482 of Cr.P.C. twice by filing Application

under Section 482 Cr.P.C. Nos. 45554 of 2018 and 20952 of 2023 and failed in it, as such he is not entitled for anticipatory bail in the light of para-43 of the settled law of this Court in the case of **Shivam vs. State of U.P. and Another**, **AirOnline 2021 All 484**.

7. After hearing learned counsel for the applicant as well as learned A.G.A. and taking into consideration that the said land belong to the State coupled with the fact that the applicant had filed petitions under Section 482 Cr.P.C. twice and in the light of the judgment in **Shivam (supra)**, I do not find it a fit case for grant of anticipatory bail to the applicant.

8. The present anticipatory bail application is hereby 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 during trial.

Order Date :- 30.11.2023

Vikas

[Krishan Pahal, J.]