

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13389 of 2023

Applicant :- Achhey Lal And Another

Opposite Party :- State Of U.P.And 2 Others

Counsel for Applicant :- G.S. Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri G.S. Chauhan, learned counsel for the applicants and Sri Pankaj Kumar learned A.G.A. for the State and also perused the material available on record.
3. The present anticipatory bail application has been filed on behalf of the applicants, **Achhey Lal and Gore Lal** in F.I.R./Case Crime No. 126 of 2023, under Section 363 IPC, Police Station Sakrar, District Jhansi, with a prayer to enlarge them on anticipatory bail.
4. As per prosecution story, the minor daughter of the informant was missing since 21.09.2023 about 08:00 AM when she had gone to her school. On frantic search of the minor daughter of the informant, it came to the knowledge of the informant that the applicants along with Nilesh have enticed her away.
5. Learned counsel for the applicants has stated that they are maliciously being prosecuted in the present case due to ulterior motive and have apprehension of their arrest. Learned counsel has further stated that the applicant no.1 Achhey Lal is the father of main accused Nilesh, who himself is 17 years old boy and the victim is of the same age. Both Nilesh and the victim have eloped and the applicants have nothing to do with the said offence.
6. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at length. It is further submitted that the applicants have no criminal history. In case, the anticipatory bail application of the applicants

is allowed, they will not misuse the liberty and shall cooperate with trial.

7. On the other hand, learned A.G.A. has vehemently opposed the prayer for grant of anticipatory bail on the ground that no whereabouts of the minor daughter of the informant are there to date. There is every likelihood of applicants misusing the anticipatory bail. The victim and the applicants are the residents of one and the same village and, as such, the applicants are not entitled for anticipatory bail.

8. Considering the arguments advanced by the learned counsel for the parties and also the fact that whereabouts of the victim are not traceable, I do not find it a fit case to enlarge the applicants on anticipatory bail. The arguments tendered at bar pertain to regular bail application and cannot be agitated u/s 438 Cr.P.C.

9. In view of the above, the present anticipatory bail application is **rejected**.

(Justice Krishan Pahal)

Order Date :- 12.12.2023
Siddhant