

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13431 of 2023**

Applicant :- Darshanik Sonkar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashutosh Gupta

Counsel for Opposite Party :- G.A.,Sanjeev Kumar Singh

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ashutosh Gupta, learned counsel for the applicant, Sri Dhananjay Pundir, Advocate holding brief of Sri Sanjeev Kumar Singh, learned counsel for the informant, Sri Arun Kumar Mishra, 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.0152 of 2023, under Sections 419, 420, 504, 506, 406 and 294 IPC, Police Station Daraganj, District (City Commissionerate) Prayagraj, during the pendency of trial.
4. As per prosecution story, the applicant alongwith his sister Apoorva Sonkar is stated to have introduced the informant to Mohit Yadav and had assured that she shall be given a job in Railway Department at Delhi and is stated to have taken Rs.10 lakhs from her. Subsequent to it, the applicant and other co-accused persons are stated to have refused to pay back the said money. The co-accused person Mohit Yadav is stated to have even given a cheque no.713484 dated 10.02.2020 to the informant which was deposited in the bank, but no money was granted to her rather the said account is stated to have been seized.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. The applicant has simply been falsely implicated on the ground that his sister Apoorva Sonkar had married Mohit Yadav, which was a love marriage, and the said main accused person Mohit Yadav has misused the said relation and duped several relatives of the applicant on the same pretext of getting them a government job. Learned counsel has further stated that the role of duping the informant

and other persons is against Mohit Yadav. No money has been handed over to the applicant. The applicant has only been shown to be the person who had introduced the informant to the co-accused person Mohit Yadav.

6. Learned counsel for the applicant has further stated that the criminal history of two cases assigned to the applicant stands explained as the applicant had filed Criminal Misc. Writ Petition No.2813 of 2021 for quashing the FIR No.304 of 2019, but the said writ petition was dismissed for want of prosecution on 16.07.2022. The applicant had filed a restoration application, which is still pending. The second FIR No.555 of 2023, under Sections 406 and 506 I.P.C. has been instituted on 17.10.2023 i.e. after lodging of the instant FIR, as such the applicant is entitled for anticipatory bail as the said criminal history stands explained.

7. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that the applicant is hand in glove with his relative Mohit Yadav and has not explained his criminal history as he has not been granted bail in either of the cases and there is no stay in either of the orders, as such the applicant is not entitled for anticipatory bail.

8. After hearing learned counsel for the parties and taking into consideration the fact that the applicant has criminal history of two more cases assigned to him and he has not been enlarged on anticipatory/regular bail in either of them, I do not find it a fit case for grant of anticipatory bail to the applicant.

9. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

10. 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 :- 12.12.2023

Ravi Kant

(Krishan Pahal, J.)