

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 13391 of 2023

Applicant :- Mohd Badar

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Shujauddin

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Shujauddin, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and also perused the record.
3. This is the second anticipatory bail application filed for protection in regard to FIR/Case Crime No. 253 of 2021, under Sections 147, 148, 149, 323, 504, 506, 336 of I.P.C. and Section 67-A of I.T. Act, P.S.- Sarai Aquil, District- Kaushambi. His first anticipatory bail was dismissed for want of prosecution by the coordinate Bench of this Court vide order dated 7.9.2022 passed in Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. No.13302 of 2021.
4. After arguing for some time, applicant's counsel submits that the present application for anticipatory bail may be disposed of with liberty to file a regular bail application which may be decided keeping in view the guidelines as laid down by the Apex Court in the case of ***Satender Kumar Antil vs. Central Bureau of Investigation and another***, reported in ***2022 SCC Online SC 825***.
5. Learned A.G.A. has no objection to the prayer made by the learned counsel for the applicant.
6. After hearing learned counsel for the parties, no case is made out for interference u/s 438 Cr.P.C.. The present anticipatory bail application is **disposed of** with the direction that the applicant shall surrender before the court concerned within four weeks from today and in case, a regular bail application is filed, the same be decided in view of the law laid down by the Supreme Court in the case of ***Satender Kumar Antil (supra)***.
7. For the period of four weeks from today or till the time of surrender of the applicant before the court concerned, whichever is earlier, no coercive action shall be taken against the applicant, in the above case.

Order Date :- 12.12.2023/Siddhant