

Court No. - 13

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2188 of 2023

Applicant :- Sugriv

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And Another

Counsel for Applicant :- Shobh Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicant and learned AGA for the State.

This is the second anticipatory bail application. The first anticipatory bail application was dismissed as not pressed by this Court vide order dated 25.04.2023. The order dated 25.04.2023 is extracted below:-

Heard learned counsel for the applicant as well as learned Additional Government Advocate for State.

Notice to respondent No.2 is dispensed with.

The present application has been filed seeking anticipatory bail in case crime No.492 of 2021 under sections 420, 506, 409 I.P.C., P.S. Gomti Nagar, district Lucknow.

Learned counsel for applicant, after arguing for some time, submits that he does not want to press the bail application; rather he may be granted liberty to file regular bail application and the same may be decided in the light of judgment of Supreme Court in Satender Kumar Antil versus Central Bureau of Investigation and another Special Leave to Appeal (Cri)No.5191 of 2021.

In view of the above, prayer for anticipatory bail is refused and the application is dismissed as not pressed. However, it is provided that in case the applicant files a regular bail application within two weeks from today, the same be decided expeditiously, strictly in view of the law laid down by Supreme Court in the case of Satender Kumar Antil (supra).

Now after six months, again second anticipatory bail application has been moved by the applicant on the pretext that in SLP No. 8552/2023 filed by the co-accused Vinod Kumar Verma @ Vinod Verma against the anticipatory bail rejection order dated 15.05.2023 passed by the coordinate Bench of this Court in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 1142 of 2023, an interim order has been passed in favour of the co-accused Vinod Kumar Verma @ Vinod.

Learned AGA has opposed the application submitting that in peculiar facts of this case, earlier an anticipatory bail application was not pressed and liberty was sought by the petitioner to approach trial court for filing regular bail application which was granted, however, in stead of approaching trial court by filing regular bail application, he has filed second anticipatory bail application before this Court and hence, no indulgence is required to be given.

Perused the record.

It is not disputed that the anticipatory bail application of the co-accused Vinod Kumar Verma @ Vinod Verma was rejected on merits and thereafter an SLP was filed by him wherein, interim order has been passed by the Supreme Court, whereas in this case, on the request of the petitioner, the anticipatory bail application of the applicant was dismissed as not pressed providing that in case the applicant files a regular bail application within two weeks from today, the same be decided expeditiously, strictly in view of the law laid down by Supreme Court in the case of Satender Kumar Antil (supra).

It is clear that since 25.04.2023, the applicant is absconding from the trial and it has not been disclosed by the applicant in the bail application that whether any summon, bailable warrant or any other process has been issued against him or not. Facts of this case are quite peculiar and different to that of co-accused Vinod Kumar Verma @ Vinod Verma.

On due consideration to the fact that on the request of the petitioner, the first anticipatory bail application of the applicant was dismissed as not pressed and in stead of complying the direction issued by this Court as per the own undertaking given by the applicant, he is absconding for a period of last six month and has again filed the second anticipatory bail application, I am not inclined to entertain the second anticipatory bail application.

The second anticipatory bail application of the applicant is ***dismissed*** in peculiar facts of this case.

Order Date :- 28.10.2023

R.C.