

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL

APPLICATION U/S 438 CR.P.C. No. - 2282 of 2023

Applicant :- Saurabh Bharti Alias Saurabh

Opposite Party :- State Of U.P. Thru. Prin. Secy./Addl. Chief Secy. To The Govt. Deptt. Home, Lucknow

Counsel for Applicant :- Syed Zulfiqar Husain Naqvi, Shishir Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Syed Zulfiqar Husain Naqvi, learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed seeking anticipatory bail in case crime No. 82 of 2023 under Sections 392, 411 I.P.C, registered at Police Station Rahimabad, District Lucknow, U.P.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 28.05.2023, alleging robbery of a mobile phone and Rs. 5,000/- by waylaying the informant and assaulting him.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent and he has falsely been implicated in the present case.

5. The other two co-accused persons Mohd. Zaid and Shaka @ Priyanshu were arrested. The mobile in question was recovered from Shaka @ Priyanshu. Both the co-accused persons have been granted bail by the Session Court and copies of their bail orders have been annexed as Annexure no. 3 and 4 of the affidavit.

6. The learned counsel for the applicant has submitted that no

incriminating material has been recovered from the applicant and he has been implicated in the present case solely on the basis of custodial statements of the co-accused persons.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the consideration of nature of allegations, I am of the view that the aforesaid fact do not warrant exercise of discretion of this Court by granting pre arrest bail to applicant.

8. The bail application stands **rejected** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

(Subhash Vidyarthi,J.)

Order Date :- 18.10.2023

Preeti.