

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2445 of 2023

Applicant :- Saroj Prasad

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

Counsel for Applicant :- Vipineshwar Upadhyay, Abhinav Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. This is second application seeking anticipatory bail in F.I.R. bearing Case Crime No.160 of 1999 under Sections 467, 468, 471, 477A, 409, 420, 120B IPC, Police Station Mill Area, Raebareli.

3. First Anticipatory Bail Application No.1951 of 2022 was dismissed by means of the order dated 21.11.2022 after recording that the said application was moved after a lapse of 22 years and the applicant did not appear before the trial court even after submission of the charge-sheet and taking cognizance of the offences, and she was avoiding her appearance even after issuance of non bailable warrant against her.

4. After noting the aforesaid factual position, the order records the statement of the learned counsel for the applicant that he did not want to press the anticipatory bail application on merits and upon his request, the application was disposed of as such granting her liberty to move an application under Section 439 Cr.P.C., which was directed to be disposed of in the light of the judgment of **Satender Kumar Antil vs Central Bureau of Investigation**: 2021 SCC OnLine 922.

5. Second application has been moved after about one year on the ground that the applicant is suffering from cancer. Treatment documents annexed with the affidavit filed in support of the

application relate to the period 12.07.2021 and 11.07.2022, which ground is of a period prior to rejection of first the application. As the applicant had herself got her application dismissed as not pressed after seeking a liberty to file an application under Section 439 Cr.P.C. and she has not surrendered and filed an application even under Section 439 Cr.P.C., even after obtaining liberty from the Court, I am of the view that second application filed after one year without the applicant having availed the opportunity sought by her from this court is merit less.

6. Accordingly, second application for anticipatory bail is also ***rejected.***

Order Date :- 1.11.2023
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