

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2548 of 2023

Applicant :- Devesh Pandey

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

Counsel for Applicant :- Arvind Kumar Pathak, Harish
Chandra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arvind Kumar Pathak, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in Case Crime No. 185 of 2023, under Sections 457, 380, 411, 420, 467, 468, 471, 120-B, 34 IPC, Police Station Sushant Golf City, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 05.04.2023 alleging a theft of Rs.39,58,000/- from an ATM machine.

4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history.

5. Learned counsel for applicant submits that the applicant has been implicated in the present case on the basis of custodial statements of co-accused persons.

6. Learned A.G.A. has opposed the prayer for bail and has submitted that anticipatory bail applications of some co-accused persons have been rejected by this Court.

7. Having considered the aforesaid facts and circumstances of the case, I am of the view that the facts of the case do not warrant discretion of this Court by granting pre-arrest bail to the applicant.

8. Accordingly, the application is rejected without prejudice.

Order Date :- 8.11.2023

Renu/-