

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2641 of 2023

Applicant :- Mohd Abbash

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

Counsel for Applicant :- Sumit Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sumit Kumar Srivastava, learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, 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. 784 of 2022, under Sections 379, 411, 413, 414, 120-B I.P.C, registered at Police Station Kotwali Nagar, District Pratapgarh.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged 16.08.2022 against eight persons, not including the applicant, alleging that the informant's truck driver Mohd. Abbash (the applicant) had parked his truck at a petrol pump and had gone home and when he reached the petrol pump on the following day at about 12 noon, the truck was not there. A G.P.S. device was installed in the truck and with the help thereof the truck was located near Bhupia Mau Bridge and upon reaching there, it was found that the accused persons had dis mental the truck.
4. The applicant is not named in the F.I.R and he has been implicated on the basis of custodial statement of a co-accused person. Seven co-accused persons have already been granted bail in the present case.
5. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid facts do not warrant discretion of this Court by granting pre arrest bail to the applicant.

6. The 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 :- 17.11.2023
Preeti.