

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2722 of 2023

Applicant :- Mahesh Tiwari @ Hemu

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

Counsel for Applicant :- Durgesh Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Durgesh Kumar Awasthi, the learned counsel for the applicant as well as Sri Gyanendra Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No. 289 of 2023, under Sections 386, 506 IPC, Police Station Ram Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of an FIR lodged on 27.05.2023 against four persons, not including the applicant, alleging that the informant runs commercial vehicles. No taxi stand is in operation in Ram Nagar, still the accused persons illegally extract Rs. 20/- per vehicle and in case, the money is not paid, the accused persons and their accomplices threaten to assault and kill the persons.
4. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has been falsely implicated in the present case due to old animosity. However, the reason and basis of the animosity has not been disclosed in the affidavit filed in support of the application. The applicant has been implicated on the basis of statement of the first informant recorded under Section 161 Cr.P.C., wherein he stated that he came to know the name of other accused persons, including the applicant, on making further inquiries.
5. The named accused persons have stated in their statements that the applicant and other persons were also involved with them in extraction of money from vehicle driver in case driver resists, they forcibly alight the passengers from the vehicle.
6. Learned counsel for the applicant has stressed that there is no

allegation that the applicant had ever extracted any money from the informant.

7. Having considered the facts and circumstances of the case and keeping in view the nature of allegations, which is of illegal extraction of amounts from poor drivers of passenger vehicles; that the aforesaid offence carries a maximum sentence of imprisonment upto 10 years and that as per the statement made by the learned counsel for the applicant, some other accused persons have been granted regular bail, I am of the view that there is no ground to grant pre arrest bail to the applicant.

8. The anticipatory bail application is ***rejected*** accordingly.

Order Date :- 28.11.2023

Pradeep/-