

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2792 of 2023

Applicant :- Chetan Alias Noor Ahmad

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

Counsel for Applicant :- Ajey Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajey Singh, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 307 of 2023, under Sections 147, 148, 149, 307 & 120-B IPC, Police Station Dargah Sharif, District Bahraich.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.01.2023 against 11 persons, including the applicant, alleging that because of an old animosity the accused persons had fired at the informant's son.
4. The medico legal examination report of the victim supports the FIR allegations.
5. In the affidavit filed in support of the application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.
6. The learned AGA-I has vehemently opposed the bail application and he has submitted that the victim has implicated the applicant in his statement recorded under Section 161 Cr.P.C. He has further submitted that four co-accused persons have been granted regular bail by the sessions court and, therefore, the applicant should also seek regular bail after putting in appearance.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the victim has implicated the applicant also for commission of offence of

attempt to murder him, which offence is serious in nature and four other co-accused persons have been granted regular bail, I am of the view that the applicant does not deserve to be granted discretion of this court by granting pre-arrest bail to him.

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

Order Date :- 6.12.2023

Pradeep/-