

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2858 of 2023

Applicant :- Abu Saleh Mondal

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

Counsel for Applicant :- Amit Kumar Awasthi, Anand Mani
Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

Heard Sri Amit Kumar Awasthi, the learned counsel for the applicant as well as Sri Shiv Nath Tilhari, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.12 of 2023, under Sections 120-B/419/420/467/468/471/370 I.P.C. and Section 14 of the Foreigner Act, registered at Police Station ATS Lucknow, District Lucknow.

At the outset, the learned A.G.A. has raised a preliminary objection regarding maintainability of the application on the ground that the applicant has a remedy of filing an appeal under the National Investigating Agency Act.

Confronted with the aforesaid objection, the learned counsel for the applicant states that the instant application be dismissed, leaving it open to the applicant to avail the statutory remedy.

Accordingly, the application is **dismissed** with liberty as aforesaid.

The office is directed to return the certified copies of the orders annexed in this petition as per Rules of the Court to the learned counsel for the applicant, after retaining a photocopy of the same on record.

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(Subhash Vidyarthi, J.)

Order Date :- 13.12.2023

Ram.