

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2902 of 2023

Applicant :- Amar Bahadur Singh

Opposite Party :- State Of U.P Thru. Addl. Chief Secy. Deptt.
Home Govt. Civil Sectr. Lko.

Counsel for Applicant :- M.P. Raju

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri M.P. Raju, the learned counsel for the applicant as well as Sri Rakesh Kumar 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 applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 456 of 2002, under Sections 406,420,120-B I.P.C. & Section 13(1) of Prevention of Corruption Act, registered at Police Station Hazratganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.3.2002 alleging that the sole named accused Chandra Bhan Singh had taken money to get the informant and his elder brother recruited in PAC. The applicant had filed a writ petition bearing Misc. Bench No. 1713 of 2006 and his arrest was stayed by means of an order dated 23.3.2006, which remained operative till the next date of listing. After investigation, the charge-sheet was submitted on 31.3.2006 against two persons, including the applicant.

4. In Para No. 9 of the affidavit filed in support of the application, it has been stated that the applicant had enquired about the status of the criminal case and then, he came to know that an N.B.W. was issued against him on 28.2.2023. Thereafter, the applicant had filed an Application under Section 482 CrPC No. 3635 of 2023, which was disposed of by means of an order dated 17.4.2023.

5. It has been further stated in the affidavit filed in support of the application that the applicant filed an application seeking anticipatory bail before the sessions court, which was rejected by means of an order dated 9.6.2023. The present application has been filed on 14.12.2023 i.e., more than six months after

rejection of the anticipatory bail application by the sessions court.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that although an interim order staying the applicant's arrest was passed on 23.3.2006, which was remained operative till the next date of listing and there is absolutely no averment as to whether the interim order was extended on any date and till when, it remained operative; the applicant has merely stated that when he enquired about the status of the criminal case, he came to know that an N.B.W. was issued against him on 28.2.2023 and there is absolutely no averment about the applicant's diligently pursuing the writ petition since 23.3.2006 for about 17 years; that even after rejection of anticipatory bail application by the sessions court, the applicant took no steps for a period of more than six months, I am of the view that the aforesaid conduct indicates a non-cooperation with judicial proceedings and, therefore, the applicant is not entitled to get discretion of this Court of granting pre arrest bail.

7. The anticipatory bail application of the applicant is, accordingly, ***rejected***.

Order Date :- 16.12.2023

Shravan