

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2903 of 2023

Applicant :- Rajan Singh Alias Abhay Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Homes Civil
Sectt. Lko

Counsel for Applicant :- Brij Bhushan Singh,Pranjal
Apurva,Sandeep Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Brij Bhushan Singh, 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. 64 of 2014, under Sections 147,307,435,504,506 I.P.C., registered at Police Station Antu, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.3.2014 against four persons, including the applicant, stating that the accused persons had beaten the informant and had set his motorcycle ablaze. A fire was also shot at him, but it missed the target.

4. In the affidavit filed in support of the anticipatory bail-application, it has been stated that the applicant had filed an anticipatory bail application, which was dismissed by the sessions court on 6.9.2021. Thereafter, he had filed another application for anticipatory bail, which too was dismissed by the Sessions Judge, Pratapgarh on 12.1.2022.

5. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

6. The learned A.G.A. has opposed the prayer for bail and he has submitted that the F.I.R. in question was lodged in the year 2014. The applicant had filed Criminal Misc. Writ Petition No. 2766 of 2014 seeking quashing of the F.I.R. Thereafter, he had filed an Application under Section 482 CrPC No. 4082 of 2014.

He had filed yet another Application under Section 482 CrPC No. 5516 of 2022. However, the applicant has not made a mention of filing of any of the aforesaid petition/applications. He has further submitted that while disposing of the application U/s 482 CrPC, the applicant was granted liberty to surrender and apply for grant of bail, but he did not avail that opportunity.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the conduct of the applicant in concealing the relevant fact of filing a writ petition and two applications under Section 482 CrPC before this Court and not approaching this Court after rejection of his first anticipatory bail application by the sessions court on 6.9.2021 or even after rejection of his second anticipatory bail application on 12.1.2022, I am of the view that prima facie it appears that the applicant is not cooperating with the judicial proceedings and, therefore, he is not entitled to be granted discretion of anticipatory bail.

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

Order Date :- 16.12.2023

Shravan