

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2985 of 2023

Applicant :- Nanhkai

Opposite Party :- State Of U.P Thru. Prin. Secy. Civils Ecrt. Lko. And Another

Counsel for Applicant :- Sudhir Kumar Rai, Dhirendra Vikram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sudhir Kumar Rai, the learned counsel for the applicant as well as Smt Poonam Gupta, 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.226 of 2013 under Sections 436, 427, 504, 506 IPC, Police Station Asoha, District Unnao.

3. The aforesaid case has been registered on the basis of a complaint filed on 01.08.2013 stating that the accused persons had set the complainant's house ablaze and she had seen the accused persons running away. Several household articles burnt in the fire.

4. In the statement recorded under Section 200 Cr.P.C., the complainant categorically stated that the accused persons had set the house of the complainant on fire because of a dispute regarding partition of their house.

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, on the basis of instructions, has submitted that some independent witnesses have supported the complainant's case in their statements recorded

under Section 202 Cr.P.C.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view nature of allegations against the accused-applicant, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is **rejected**. However, in case the applicant files any bail application, the same shall be considered and decided, without being influenced by rejection of this anticipatory bail application.

Order Date :- 20.12.2023

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