

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 3040 of 2023

Applicant :- Atul Pratap Singh

Opposite Party :- State Of U.P. Thru. Secy. Deptt. Of Home, Sectt. U.P. Lko.
And Another

Counsel for Applicant :- Suyesh Pradhan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Suyesh Pradhan, the learned counsel for the applicant as well as Sri Virendra Kumar, 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.1154 of 2010 under Sections 420, 467, 468, 471 IPC, Police Station Ataria, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.12.2010 alleging that the applicant had abused and threatened the informant.

4. The applicant has filed Writ Petition No.382 (MB) of 2011 and his arrest was stayed by means of an order dated 13.01.2011 till submission of a report under Section 173(2) Cr.P.C. The report was submitted on 17.11.2011 and protection granted to the applicant against this arrest came to an end. Trial court has summoned the applicant to face the trial by means of the order dated 18.01.2012 and the applicant has approached this court seeking anticipatory bail only after issuance of a bailable warrant.

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 has submitted that investigation is going on, and at this stage, grant of anticipatory bail to the applicant will adversely affect the investigation.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was well aware of the present proceedings as he had filed writ petition challenging the FIR; that the protection of arrest was granted to the applicant came to an end on 18.01.2012 and the applicant has approached this Court seeking anticipatory bail after about 11 years without giving any explanation for the delay, 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 :- 22.12.2023
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