

Court No. - 31

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 666 of 2024

Applicant :- Vikas Sharma

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

Counsel for Applicant :- Rohit Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned A.G.A. both through video conferencing from Allahabad and perused the record.

The instant application has been filed with a prayer to grant anticipatory bail to the applicant in F.I.R/Case Crime No.190 of 2022, under Sections 323, 325, 364 I.P.C., Police Station- Bazar Shukul, District Amethi.

It is submitted by the learned counsel for the applicant that co-accused Ankit Yadav, Narendra Sharma and Rishabh Sharma @ Monu have already been granted bail by this Court/ co-ordinate Bench of this Court earlier. The applicant is not named in the first information report. His named was surfaced in the statement of the victim under Section 164 of Cr.P.C., wherein he has stated that the applicant alongwith rest co-accused persons stopped his car and all the four accused persons thrashed him and took him in his car to Lucknow, there also he was thrashed at the hands of all the four accused persons. When accused persons were talking outside the car the injured hearing siren of the police vehicle opened the door and jumped on the road and, thus, he was saved. It is also submitted by the learned counsel for the applicant that the injured is said to be kidnapped at 4:30 PM from Amethi, he was taken to Lucknow at 9:30. Amethi police is said to have reached at the spot. The criminal history of four cases has been explained. As the applicant has an apprehension of his being arrested, so the prayer of anticipatory bail is made.

Learned A.G.A., however, opposed the prayer and submitted that the parity of co-accused persons, who have been released on bail, cannot be claimed, as the co-accused persons were released on the

regular bail, while this is an application for anticipatory bail. The injured sustained six injuries, wherein for injury nos.1, 2 and 3 x-ray was advised and no x-ray report has been placed before the Court. Otherwise also, there is criminal history four cases against the applicant, hence, the prayer is opposed.

From the perusal of the record, it is found that the applicant having criminal history of four cases is involved in a case of thrashing the injured, who has sustained six injuries in the incident. As per injury report, for injury nos.1, 2 and 3 of the injured x-ray was advised. Neither the x-ray report nor the supplementary report has been placed before the Court. Co-accused persons Ankit Yadav, Narendra Sharma and Rishabh Sharma @ Monu, parity of whom is being claimed, were released on the regular bail.

In the opinion of the Court, no ground for granting anticipatory bail to the applicant is made out.

The anticipatory bail application is, thus, **rejected**.

Order Date :- 26.4.2024

Radhika