

Court No. - 11

Case :- CRIMINAL MISC. ANTICIPATORY BAIL
APPLICATION U/S 482 BNSS No. - 234 of 2024

Applicant :- Muktar

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

Counsel for Applicant :- Ashish Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Shri Ashish Kumar Dubey, learned counsel for the applicant and Shri Ramjee, learned Additional Government Advocate for the State.
2. In view of the order proposed to be passed, notice to the opposite party No.2 is hereby dispensed with.
3. By means of this anticipatory bail application, the present applicant has prayed for grant of anticipatory bail in Case Crime No.0283 of 2024, under Sections 366, 376, 504, 506 of I.P.C., Police Station Lambhua, District Sultanpur.
4. Learned counsel for the applicant submits that though main allegation has been leveled against the applicant, however, he has also solemnized marriage with the prosecutrix on 10.06.2024, copy of the Nikahnama is annexed as Annexure no.5 to the application. The mother of the applicant is also ready to live with the prosecutrix treating her as her daughter-in-law and on such undertaking, she has been granted anticipatory bail by this Court vide order dated 03.12.2024, passed in Criminal Misc. Anticipatory Bail Application U/S 482 of BNSS No.191 of 2024. Further, the brother of the applicant Mo. Asfak Sah has also been granted interim bail by this Court

vide order dated 16.12.2024, passed in Criminal Misc. Anticipatory Bail Application U/S 482 of BNSS No.226 of 2024. Learned counsel for the applicant has further stated that the present applicant is a permanent resident of village Sanai Rampur, District Sultanpur, therefore, there is no flight risk.

5. Shri Ramjee, learned A.G.A. for the State, has submitted that in the present case after issuingailable warrant, nonailable warrant was issued on 03.10.2024. Thereafter, the applicant filed anticipatory bail application before the learned Sessions Court, which was rejected on 28.10.2024. Now the proclamation under Section 82 Cr.P.C. has been issued on 07.11.2024. After issuance of such proclamation, present anticipatory bail application has been filed on 07.12.2024, therefore, in view of the law as laid down by Apex Court in the case of **Lavesh Vs. State (NCT of Delhi): 2012 (8) SCC 730**, the present applicant is not entitled for anticipatory bail.

6. Having heard learned counsel for the parties and having perused the material placed on record, though the specific allegation has been leveled against the present applicant but he has solemnized marriage with the prosecutrix on 10.06.2024 and his brother and mother have already been granted anticipatory bail by this Court, as mentioned above and now proclamation has been issued against the present applicant, therefore, liberty is given to the present applicant to appear/surrender before the learned trial court, within a period of two weeks, and may file his regular bail application, taking all pleas and grounds, which are available to him and the learned trial court may dispose of the aforesaid bail application with expedition, without giving any unnecessary adjournment to any of the parties.

7. It is needless to say that while considering the bail

application of the present applicant, his bonafide and involvement may be taken into account and the regular bail applicant shall not be decided in a cursory manner.

8. In view of the aforesaid terms, this application is **disposed of** finally.

(Rajesh Singh Chauhan, J.)

Order Date :- 19.12.2024

Arnima