

Court No. - 74

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10912 of 2021

Applicant :- Mohit And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Mohd. Akbar Shah Alam Khan

Counsel for Opposite Party :- G.A.

Hon'ble Pradeep Kumar Srivastava,J.

Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

This anticipatory bail application has been filed by the applicants **Mohit, Bhuri, Manish** and **Anil** in Case Crime No. 111 of 2020, under sections 308, 352, 324, 323, 504, 506, 34 I.P.C., P.S.- Phalawada, District - Meerut.

Submission of the learned counsel for the applicants is that the applicants have been falsely implicated in the present case out of enmity. The injuries sustained by the injured persons are simple in nature. It is further submitted that applicants have no criminal history and applicants are prepared to furnish sureties and bonds, there is no possibility of their either fleeing away from the judicial process or tampering with the evidence. Hence, prima-facie case for anticipatory bail has been made out.

Learned A.G.A. has vehemently opposed the prayer of bail and has submitted that the police has already filed charge sheet in this matter, hence, the applicants should be directed to go and apply for regular bail before the court below.

Considering the submissions of both the sides and the fact that the police, after investigation has already filed charge sheet in the matter, therefore, it cannot be said that the case is based on false grounds and allegations. The first information report has been lodged on 01.06.2020 and after a lapse of more than one year, there is nothing on record that any effort has been made for the arrest of the applicants. It is pertinent to mention that the anticipatory bail is not a substitute of a regular bail and for it, some extraordinary circumstances are required in comparison to regular bail. There should be some special reason for taking recourse of the provisions of anticipatory bail. There must also be a threat of arrest of the accused. The applicants have not been able to show any real threat of arrest or any extraordinary circumstances, as such, I do not find any ground for giving benefit of anticipatory bail, hence the anticipatory bail

application filed by the applicants is **rejected**.

Regular bail application may be given before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously and preferably on the same day in accordance with law.

Order Date :- 30.7.2021

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