

Sunil Kumar And Another vs State Of U.P. And Another on 31 January, 2025

Author: Deepak Verma

Bench: Deepak Verma

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14147

Court No. - 70

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11862 of 2024

Applicant :- Sunil Kumar And Another

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

Counsel for Applicant :- Gaurav Singh Tomar, Subhash Gosain

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Supplementary affidavit, filed today, is taken on record.
2. Heard learned counsel for applicants; learned A.G.A. for State and perused the record.
3. The instant Anticipatory Bail Application has been filed with a prayer to grant anticipatory bail to the applicants in Case Crime No.199 of 2018, under Sections 452, 354-B, 323, 504, 506, 379 I.P.C., P.S. Ait, District Jalaun, during pendency of trial.

4. It is submitted by learned counsel for the applicants that applicants are innocent and have been falsely implicated in the present case due to ulterior motive. On perusal of F.I.R. and statement of victim recorded under sections 161 Cr.P.C. and 164 Cr.P.C., no offence under the alleged sections is made out. The whole prosecution story is false and malicious. It is next submitted that the applicants' case is squarely covered under Section 482 B.N.S.S. It is submitted that the applicant is apprehensive of imminent arrest. In case, the applicant is released on bail, he would not misuse the liberty of bail and would cooperate with the investigation.

5. Learned A.G.A. vehemently opposed the prayer for bail and submitted that prima facie offence against the applicant is made out. The applicants are named in the F.I.R. The applicants are not entitled for any indulgence by this Court. Hence, the anticipatory bail application of the applicants may be rejected.

6. In *Satpal Singh vs. State of Punjab* (2018) 13 SCC 813, the Supreme Court has held that the satisfaction of the court for granting protection under Section 438 Cr.P.C. is different from the one under Section 439 Cr.P.C. while considering regular bail. In *Pratibha Manchanda and another Vs. State of Haryana and another* (2023) 8 SCC 181, the Apex Court has opined that the relief of anticipatory bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest.

7. Considered the argument raised by counsel for the applicants and perused the record. Without expressing any opinion on merits of the case and considering the submissions advanced, the nature and gravity of the accusation, I find no good ground for granting anticipatory bail to the applicant in the aforesaid case.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly rejected.

9. However, if the applicants surrender before the concerned court within two weeks from today and apply for regular bail, the bail application shall be decided expeditiously by the court concerned, in accordance with law laid down by the Apex Court in *Satender Kumar Antil Vs. Central Bureau of Investigation and another*, reported in 2021 SCC OnLine SC 922.

10. For the period of two weeks from today or till the time of surrender of the applicants before the Court below, whichever is earlier, no coercive action shall be taken against them.

Order Date :- 31.1.2025 Meenu Singh