

Court No. - 12

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 1511 of 2024

Applicant :- Chandra Vijay Yadav Alias C.V Azad

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt.
Govt. Lko And Another

Counsel for Applicant :- Anil Kumar Yadav, Manoj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Counter Affidavit filed on behalf of the informant opposite party no.2 in court is taken on record.

2. Heard learned counsel for the applicant; Sri B. P. Nigam who appears for the informant, learned AGA for the State and perused the records.

3. The present application under Section 438 Cr.P.C. has been filed seeking anticipatory bail apprehending arrest in FIR No.0241 of 2024 under sections 323, 341, 386, 504, 506 IPC and section 3(2)(va), 3(1)(da) SC/ST Act, P.S. Kotwali City, District Hardoi.

3. In terms of the FIR lodged against the applicant on the basis of the application under section 156(3) Cr.P.C., allegations were levelled against the applicant of hurling caste related abuses and also for demanding extortion money.

4. The contention of the counsel for the applicant is that the allegations pertained to 24.11.2023 whereas the application under section 156(3) Cr.P.C. was filed on 08.04.2024 after substantial delay. He further argues that on similar allegation, a complaint was made on IGRS Portal and after preliminary inquiry, it was recorded that there was no material for any police enquiry.

5. In the light of the said, he argues that on the same set of facts, application under section 156(3) Cr.P.C. has been filed, as such, applicant apprehends his arrest. It was further argues that the applicant being a news reporters had made a complaint against the police officials in which a departmental enquiry was initiated and censure entry was passed against certain police personnels, as such, in sequel to the said, the present FIR has been filed.

6. Learned AGA and the counsel for the informant state that against the applicant as many as four cases, two cases being under sections 384 IPC, one case under Excise Act and one under the I.T Act are pending and the applicant is continuously blackmailing in the garb of being a news reporter. Learned AGA draws my attention to the statement of the one of the witness who had given a statement that extortion money was demanded and a part of it was paid by the said witness through banking channels.

7. Considering the material on record, prima-facie, I do not see any reason for exercising my jurisdiction under Bharatiya Nyaya Sanhita, 2023, as such, no case for grant of anticipatory bail is made out.

8. The application for anticipatory bail is ***rejected***.

9. However, the applicant would be at liberty to apply for regular bail which shall be considered and decided in terms of the law, if so advised.

Order Date :- 11.7.2024

VNP/-