Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2224 of 2023

Applicant :- Haidar
Opposite Party :- State of U.P.
Counsel for Applicant :- Ashok Kumar Singh Bais
Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant, learned counsel for the informant as well as the learned AGA and perused the entire record.

2. Earlier by the order dated 31.03.2023 the accused applicant was granted interim anticipatory bail by this Court. After investigation charge sheet has already been filed in the matter. The applicant has cooperated during that period and has not misused the said liberty. No custodial interrogation is required. Criminal history of the applicant has been properly explained. It also reveals from the perusal of the record that no specific role has been assigned to the present applicant in this case.

3. *In* ***Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1****, the Hon'ble Apex Court has settled the controversy finally by holding the anticipatory bail need not be of limited duration invariably. In appropriate case, it can continue upto conclusion of trial.*

It has been further held therein that anticipatory bail granted can, depending on the conduct and behavior of the accused, continue after filing of the charge sheet till end of trial.

It has been further held by the Hon'ble Apex Court that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

4. Since no incriminating material has come against the applicant

in the counter affidavit filed on behalf of the State, therefore, considering the entire facts and circumstances of the case and also the nature of accusation made against the applicant, the anticipatory bail application is **allowed** and the order dated 31.03.2023 granting interim anticipatory bail to the applicant is confirmed and made absolute till end of the trial, on the terms and conditions as mentioned in the said order dated 31.03.2023.

Order Date :- 16.11.2023
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad