

Court No. - 80

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10728 of 2023

Applicant :- Taukeer Ahmed Alias Munna Dhela

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Chetan Chatterjee

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Chandra Sharma,J.

1. This criminal misc anticipatory bail application was nominated by Hon'ble the Chief Justice.

2. Heard learned counsel for the applicant as well as learned A.G.A for the State and perused the material placed on record.

3. This anticipatory bail application has been moved seeking anticipatory bail in Case Crime No. 541 of 2022, under sections 386, 504, 506 I.P.C, Police Station Mau Aima, District Prayagraj.

4. It is submitted by the learned counsel for the applicant that there he was already on anticipatory bail in the present case granted by this Court on 02.05.2023 till submission of charge sheet under Section 173 (2) Cr.P.C. Now, charge sheet has been filed by the police after investigation and he moved second anticipatory bail application before the learned court of Sessions for releasing anticipatory bail but it was rejected by the learned court without considering the facts and material on record. It is also submitted that during investigation only offence under Section 386, 504, 506 I.P.C. was found to be established and in other sections he was exonerated. The applicant is ready to face the trial but there is apprehension of arrest and he taken into into custody and sent to jail, therefore, request for anticipatory bail.

5. Learned A.G.A. opposed the prayer as aforesaid and urged that in this case the applicant was granted anticipatory bail till submission of police report. Now, charge sheet has been filed and he is to appear before the learned court for commence under trial. As per direction made by Hon'ble Supreme Court he is to be taken into custody but after ensuring his presence before the learned trial court his bail is to be granted. It is also urged that there is no apprehension of arrest or the applicant taken into custody.

6. On considering the facts and circumstances of the case, submissions made by learned counsel for the applicant as well as learned A.G.A and perusal of record, it appears that the applicant was released on interim bail and then he was released on anticipatory bail by order dated 02.05.2023 by this Court and now charge sheet has been filed against him by police under Section 386, 504, 506 I.P.C. and there is no any instruction with the learned A.G.A. that he misused the liberty of bail during the investigation of the case. Therefore, there appears ground for anticipatory bail in favour of the applicant during trial.

The applicant- **Taukeer Ahmed Alias Munna Dhela**, shall be released on anticipatory bail on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant shall appear before the learned court everyday when case is fixed except exempted;
- (ii) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the Court or to any police office;
- (iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. concerned.

In default of any of the conditions, this order will automatically stand vacated.

Order Date :- 6.11.2023
Suraj Srivastav