

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47764 of 2019

Applicant :- R.K. Singh @ Rabindra Kumar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Adarsh Bhushan

Counsel for Opposite Party :- G.A., Mool Chandra Maurya

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicant as well as the learned AGA and perused the entire record. None is present for the informant.

2. Earlier vide order dated 7.11.2019 the accused applicant was granted interim anticipatory bail by this Court and the applicant has not misused the said liberty. Investigation in this matter is going on and the applicant is cooperating with the same. Applicant has no criminal history to his credit.

3. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held 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 the applicant has not misused the liberty of interim anticipatory bail granted to him, 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 7.11.2019 granting interim anticipatory bail to the applicant is confirmed and made absolute till filing of police report under Section 173(2) CrPC before the Competent Court, on the terms and conditions as mentioned in the said order dated 7.11.2019.

Order Date :- 13.12.2023 /safi