Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 12862 of 2023

Applicant :- Kamalawati Devi
Opposite Party :- State Of U.P. And Anotehr
Counsel for Applicant :- Vivek Shukla,Seema Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.

2. Heard Sri Vivek Shukla, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and also perused the record.

3. The present application for anticipatory bail has been filed for protection in regard to FIR/Case Crime No. 430 of 2020, under Sections 308, 323, 504, 34 I.P.C., P.S.- Bansgaon, District- Gorakhpur.

4. After arguing for some time, applicant's counsel submits that the present application for anticipatory bail may be disposed of with a direction to file a regular bail application which may be decided keeping in view the guidelines as laid down by the Apex Court in the case of ***Satender Kumar Antil vs. Central Bureau of Investigation and another***, reported in ***2022 SCC Online SC 825***.

5. Learned A.G.A. has no objection to the prayer made by the learned counsel for the applicant.

6. After hearing learned counsel for the parties, no case is made out for interference u/s 438 Cr.P.C. The present anticipatory bail application is disposed of with a direction that the applicant shall surrender before the concerned court within one month from today and in case, a regular bail application is filed, the same be decided in view of the law laid down by the Supreme Court in the case of ***Satender Kumar Antil (supra)***.

7. For the period of one month from today or till the time of surrender of the applicant before the concerned court, whichever is earlier, no coercive action shall be taken against the applicant, in the above case.

(Justice Krishan Pahal)

Order Date :- 1.12.2023
Shalini

Digitally signed by :-
SHALINI JAISWAL
High Court of Judicature at Allahabad