

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1759 of 2024

Applicant :- Anurag

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home U.P.
Lko. And Another

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

The present application has been filed by the applicant seeking anticipatory bail in case crime No.414 of 2018, under Section-307 I.P.C., Police Station- Inayat Nagar, District-Faizabad/Ayodhya.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

This Court while granting interim protection vide order dated 06.08.2024 has passed the following order:-

"Heard learned counsel for the applicant, learned AGA for the State and perused the record.

The present application has been filed by the applicant seeking anticipatory bail in Case Crime No.414 of 2018, under Section-307 I.P.C., Police Station- Inayat Nagar, District-Faizabad/Ayodhya.

Considering the facts, as indicated, that charge sheet in the matter was filed under Sections- 147, 148, 149, 323, 325, 336, 452, 427, 504, 506, 354(Kha) IPC despite the fact that FIR was lodged in these sections as also under Sections- 307, 392 IPC and the applicant has already been enlarged on bail in these sections except in Section 307 IPC, which has been added by the trial court after taking note of the evidence placed before it

by the Investigating Officer along with the charge sheet and accordingly, custodial interrogation is not required, this Court finds that the applicant is entitled to interim protection.

Issue notice to the opposite party No. 2. Steps in this regard be taken within three working days.

List on 28.8.2024.

Till the next date of listing, it is provided that in the event of arrest, the applicant Anurag shall be released on anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the trial court concerned with the following conditions:-

- 1. that the applicant shall not leave India without the previous permission of the court;*
- 2. that the applicant shall not pressurize/ intimidate the prosecution witness;*
- 3. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;*
- 4. that in case of breach of any of the above conditions the court below shall have the liberty to cancel the anticipatory bail.*

Such other reasonable conditions which the learned trial court may deem fit may be imposed."

Learned counsel for the applicant submits that in compliance of order extracted above, the applicant has filed bonds and he has been enlarged on anticipatory bail.

Learned counsel for the applicant further submits that after filing of the charge-sheet, Section 307 IPC, which was dropped by the Investigating Officer, has been added by the learned Additional Civil Judge (Junior Division)-II/ Judicial Magistrate, Ayodhya vide its order dated 14.07.2023 passed in Criminal Case No.2788 of 2022, which is on record. He submits that applicant has co-operated in the investigation and further

undertakes to cooperate in the trial. He also submits that the custodial interrogation is not required in this case.

Learned A.G.A. has opposed the bail application, however, could not dispute the fact that the applicant has cooperated in the investigation. He further submits that charge-sheet in the matter has been filed.

On due consideration to the submissions advanced, perusal of the record, simple nature of injuries sustained by the injured person, statement of the injured witnesses, he has cooperated in the investigation, undertaking that he shall cooperate in the trial, as also considering the dictum of Apex Court *in re: Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98* and without expressing any opinion on the merit of the case, I am of the opinion that the interim protection granted earlier vide order dated 06.08.2024 is liable to be and is hereby made absolute.

The application is allowed accordingly.

Order Date :- 18.12.2024
Saurabh Yadav/-