Court No. - 70
Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 8394 of 2020
Applicant :- Shamshad And Another
Opposite Party :- State of U.P.
Counsel for Applicant :- Dhiraj Kumar Pandey
Counsel for Opposite Party :- G.A.
Hon'ble Siddharth,J.

Heard learned counsel for the applicants and learned AGA for the State.

Order on Criminal Misc. Exemption Application

This exemption application is allowed.

Order on Criminal Misc. Anticipatory Bail Application

The instant Anticipatory Bail Application has been filed with a prayer to grant an anticipatory bail to the applicants, namely, **Shamshad and Mahshad, in Case Crime No. 167 of 2020, under Sections 147, 148, 149, 332, 353, 186 and 506 IPC, Police Station - Sarsawa, District - Saharanpur.**

There is allegation in the FIR that named accused persons caused violence against the informant.

Learned counsel for the applicants has submitted that applicants were not named in the FIR. They have been charge-sheeted by the police. They have no criminal history to their credit. The applicants have definite apprehension that they may be arrested by the police any time.

Learned AGA has opposed the prayer for anticipatory bail of the applicants, but could not dispute the aforesaid fact.

Without expressing any opinion on the merits of the case and considering the nature of accusation and their antecedents, the applicants are entitled to be released on anticipatory bail for limited period in this case considering the exceptions considered by the Hon'ble Supreme Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98 and order dated 22.05.2020 passed by this Court in Criminal Misc. Anticipatory Bail Application No.2609 of 2020.***

In the event of arrest of the applicants shall be released

on anticipatory bail till the submission of police report, if any, under section 173 (2) Cr.P.C. before the competent Court on furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) The applicants shall make himself available for interrogation by the police officer as and when required;

(ii) The applicants 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 applicants shall not leave India without the previous permission of the Court and if they have passport, the same shall be deposited by them before the S.S.P./S.P. concerned.

(iv) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(v) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

The Investigating Officer is directed to conclude the investigation of the present case in accordance with law, expeditiously, independently without being prejudiced by any observations made by this Court while considering and deciding the present anticipatory bail application of the applicants.

The applicants are directed to produce a copy of this order downloaded from the official website of this Court before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

Order Date :- 1.12.2020
Ruchi Agrahari