Court No. - 70

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 9489 of 2020

Applicant :- Nirmal Singh And 3 Others
Opposite Party :- State Of U.P. And 2 Others
Counsel for Applicant :- Rajendra Prasad Tiwari,Vinay Kumar Tiwari
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicants and learned A.G.A. for the State.

The instant anticipatory bail application has been filed on behalf of the applicants, **Nirmal Singh, Sanjay, Mahendra Singh and Ramdas**, with a prayer to release them on bail in **Case Crime No. 249 of 2020, under Sections- 452, 354, 354Ka, 323, 504, 506, 34 I.P.C., Police Station- Todiphatehpur, District- Jhansi.**

Prior notice of this bail application was served in the office of Government Advocate and as per Chapter XVIII, Rule 18 of the Allahabad High Court Rules and as per direction dated 20.11.2020 of this Court in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. 8072 of 2020, ***Govind Mishra @ Chhotu Versus State of U.P.,*** hence, this anticipatory bail application is being heard. Grant of further time to the learned A.G.A. as per Section 438 (3) Cr.P.C. (U. P. Amendment) is not required.

There is allegation in the F.I.R. of outraging the modesty of the informant, threatening her and causing injuries to her after entering into the house. Learned counsel for the applicants has submitted that the F.I.R. lodged against the applicants is dated 11.11.2020 regarding the incident dated 17.09.2020 while the F.I.R. at 05.11.2020 u/s 323, 504, 506 I.P.C. and 3(1)(da), 3(1)(dha) of S.C./S.T. Act, was lodged by the brother of the applicant no. 4 against son of the informant. It is next submitted that the present F.I.R. is by way of counterblast. The applicants have definite apprehension that they may be arrested by the police any time.

Learned A.G.A. has opposed the prayer for anticipatory bail of the applicants.

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, they 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 personal bonds of Rs. 25,000/- 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 themselves 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 passports, 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 :- 17.12.2020
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