Court No. - 70

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 9525 of 2020

Applicant :- Amit And 2 Others
Opposite Party :- State of U.P.
Counsel for Applicant :- Syed Ali Imam
Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicants and learned AGA, through Video Conferencing.

The instant Anticipatory Bail Application has been filed with a prayer to grant an anticipatory bail to the applicants, namely, Amit,Pintu and Sumit, in Case Crime No. 345 of 2020, under Sections 147,148,149,323,504,506 I.P.C. , Police Station - Khurja Dehat, District - Bulandshahar.

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 are general allegations against all the accused persons of causing injury to the injured. One co-accused Gaurav has been enlarged on bail by the court below.Applicant has been falsely implicated in this case.The applicants have no criminal history to their credit. Applicants have definite apprehension of their arrest by the police.

Learned AGA 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 in this case for the limited period considering the exception

considered by the Hon'ble Supreme Court in the case of **Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC Online SC 98**.

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 a 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 he has passport, the same shall be deposited by him 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 applicant.

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 applicant.

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 :- 18.12.2020

Atul kr. sri.

Digitally signed by JUSTICE SIDDHARTH
Date: 2020.12.19 16:54:10 IST
Reason: Document Owner
Location: High Court of Judicature at Allahabad