

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 4703 of 2021

Applicant :- Smt. Kusum Agnihotri And 4 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind Kumar

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, **Smt. Kusum Agnihotri, Aman @ Ujjwal Agnihotri, Pradeep Tiwari, Smt. Farhana Tarannum @ Shibbi and Mohd. Pappu**, with a prayer to release them on bail in **Case Crime No. 56 of 2021, under Sections- 147, 323, 504, 506, 452, 448, 354 IPC and 7/8 POCSO Act, Police Station- Kotwali Kannauj, District- Kannauj**, during pendency of trial.

Having heard learned counsel for the parties and upon perusal of material brought on record as well as complicity of accused and also judgement of the Apex Court in the case of P. Chidambaram Vs. Directorate of Enforcement, AIR 2019 SC 4198, this Court does not finds any exceptional ground to exercise its discretionary jurisdiction under Section 438 Cr.P.C.

However, in view of the entirety of facts and circumstances of the case, it is directed, on the request of counsel for the applicants, that in case the applicants appear and surrender before the court below within 60 days from today and apply for bail, their prayer for bail shall be considered and decided as per the settled law laid by this Court in the case of ***Amrawati and another Vs. State of U.P. reported in 2004 (57) ALR 290*** as well as ***judgement passed by Hon'ble Apex Court reported in 2009 (3) ADJ 322 (SC) Lal Kamendra Pratap Singh Vs. State of U.P.***

Till then no coercive action shall be taken against the applicants.

However, in case, the applicants do not appear before the court below within the aforesaid period, coercive action shall be taken against them.

It is made clear that the applicants will not be granted any further time by this court for surrendering before the court below as directed above.

With the aforesaid directions, this application is finally *disposed of*.

Order Date :- 26.2.2021

Ruchi Agrahari