

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 5283 of 2021

Applicant :- Faizan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Zakir, Nanhe Lal Tripathi

Counsel for Opposite Party :- G.A., Vineet Kumar Singh

Hon'ble Siddharth, J.

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

The instant anticipatory bail application has been filed on behalf of the applicant, Faizan, with a prayer to release him on bail in Case Crime No. 86 of 2021, under Sections- 406, 323, 504, 506, 376, 354kha, Police Station- Sikandrabad, District- Bulandshahar, during pendency of trial.

Learned counsel for the applicant states that charge sheet has not been filed against the applicant. Investigating is still going on. The alleged offences are not made out against the applicant.

Learned AGA has opposed the prayer for anticipatory bail of the applicant. He has submitted that in view of the seriousness of the allegations made against the applicant, he is not entitled to grant of anticipatory bail. The apprehension of the applicant is not founded on any material on record. Only on the basis of imaginary fear anticipatory bail cannot be granted.

Having heard learned counsel for the parties and upon perusal of material brought on record as well as complicity of accused, he deserves to be enlarged on anticipatory bail for a period of 45 days or till the cognizance is taken by the Magistrate on the police report submitted u/s 173 (2) Cr.P.C. before the competent Court, whichever is earlier, 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 Court, subject to the following conditions :-

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

(ii) The applicant 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 officer;

(iii) The applicant 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/Govt. Advocate 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, if pending, 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 applicant is 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, if investigation is in progress, who shall ensure the compliance of present order.

Order Date :- 26.3.2021

Rohit