

**Court No. - 37**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 10473 of 2021

**Applicant :-** Zakir And 4 Others

**Opposite Party :-** State Of U.P. And 2 Others

**Counsel for Applicant :-** Yashpal Yadav, Pradeep Yadav, Ravindra Kumar Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dr. Kaushal Jayendra Thaker, J.**

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The accused have moved the Court under Section 482 being Application u/s 482 No.30043 of 2019, the further proceedings were stayed by the court during that period.
3. The Court below rejected the anticipatory bail application of the present applicants on the ground that the allegations were such that they cannot be enlarged on bail.
4. Looking to the averments and the First Information Report, this Court is of the considered view that the contours of grant of bail rather anticipatory bail as enunciated by the Apex Court in **Criminal Appeal No.523 of 2021 (Nathu Singh v. State of Uttar Pradesh and others)** decided on 28th May, 2021 wherein the provisions of Sections 498-A and 304-B I.P.C. were alleged.
5. The Apex Court has enunciated the principles for grant and or dismissal of anticipatory bail in the decision titled **Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1** where the Apex Court has laid down the principle for grant or refusal of releasing on anticipatory bail.
6. The grant of bail is mainly for securing presence of the accused at the time of trial in this case there is no likelihood of

the accused absconded the circumstances peculiar are also considered as enunciated by the Apex Court time and again.

7. The reasonable ground for grant of anticipatory bail are fulfilled.

8. Thus, the Court feels that the applicants can be granted indulgence of enlargement of bail, in case they are arrested by the police in connection with Case Crime No.03 of 2021, under Section 498-A, 315, 323, 504, 506 Indian Penal Code & 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Azamgarh the applicants shall be released on bail subject to furnishing of personal bond in the sum of Rs. 10,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

i. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

ii. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

ii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

**Order Date :-** 30.6.2021  
A.N. Mishra