

**Court No. - 68**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 15440 of 2021

**Applicant :-** Rahul And 3 Others

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

**Counsel for Applicant :-** Rajat Kumar Shukla

**Counsel for Opposite Party :-** G.A., Indra Deo Mishra, Shri Ram (Rawat)

**Hon'ble Raj Beer Singh, J.**

Heard learned counsel for the applicants, Sri Abhimanyu Mishra, holding brief of Sri Indra Deo Mishra, learned counsel for the first informant, learned A.G.A. for the State and perused the record.

This anticipatory bail application has been moved seeking anticipatory bail in case crime No. 658 of 2021, under Sections 147, 354, 323, 504, 506 I.P.C., Police Station- Highway, District- Mathura with the prayer that in the event of arrest, applicants may be released on bail.

It has been argued by learned counsel for the applicants that applicants are innocent and they have not committed any offence. It was submitted that applicants have imminent apprehension that they may be arrested in the above stated case, whereas there is no credible evidence against them and that they have no criminal antecedents. It has further been submitted that applicant nos. 2 to 4 are not named in FIR and that only general allegations have been levelled against all the accused persons that they have assaulted the informant and her son. It was submitted that in fact regarding the alleged incident applicants have given an information to the police but after incident, they were challaned under Section 151 Cr.P.C. and later on at 11.45 PM in the night, FIR of this case was got registered by the informant, whereas incident has taken place at 7.30 hours. It was further submitted that applicants undertake to co-operate during investigation and trial and they would appear as and

when required by the investigating agency or Court. It has been stated that in case, the applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

Learned A.G.A. as well as learned counsel for the first informant have opposed the application for anticipatory bail and argued that in the alleged incident, first informant and her son have sustained several injuries and that there are allegations that all the accused persons have assaulted the first informant and her son.

Considering the submissions of the learned counsel for the parties and all attending facts and circumstances of the case, taking into consideration the gravity of the accusation as well as the fact that there being no possibility of fleeing from justice, without expressing any opinion on merit of the case, applicants are entitled to be released on anticipatory bail in this case.

The anticipatory bail application is **allowed**.

In the event of arrest of the applicants- **Rahul, Naveen Chand, Yadav Singh, Amar Singh** involved in the aforesaid case crime shall be released on anticipatory bail on their 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 themselves 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 him/her/them from disclosing such facts to the Court or to any police officer;
- (iii) the applicants would co-operate during investigation and trial and would not misuse the liberty of bail.

In default of any of the conditions, the Investigating Officer/prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

**Order Date :- 30.11.2021**

Anand