

Court No. - 68

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 5380 of 2020

Applicant :- Mangala Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Siddhartha Varma,J.

Heard learned counsel for the applicant and learned Additional Government Advocate for the State and perused the records.

The applicant is seeking anticipatory bail in connection with Case Crime No.-103 of 2020, under Sections 147, 148, 149, 323, 504, 506, 336, 307, 308, 395, 397, 332, 353, 427 IPC and Section 7 of C.L. Act and Sections 2/3 of P.P. Act, Police Station - Phoolpur, District - Varanasi.

The contention of the learned counsel for the applicant is that there is no role assigned to any of the accused and definitely no role has been assigned to the applicant. He further submits that with regard to the Case Crime No.104 of 2020 which also arose out of the very same incident in which protection has been granted to the applicant. There is no criminal history of the applicant and, therefore, he is entitled for protection from this Court.

Learned Additional Government Advocate has opposed the prayer for anticipatory bail but he could not deny the fact that the applicant has no criminal history.

Considering the overall facts and circumstances of the case, this Court is of the opinion that the applicant deserves to be granted anticipatory bail in connection with the aforesaid case.

Accordingly, the anticipatory bail application is **disposed of**

with following directions:-

(A) In the event of arrest of the applicant involved in aforesaid case 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 her furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned;

(B) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(C) 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 them from disclosing such facts to the Court or to any police officer; and

(D) The applicant shall not leave India without the previous permission of the Court.

In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

Order Date :- 9.9.2020

Siddhant