

Pyarey Lal And Another vs State Of U.P. Thru. Prin. Secy. Home ... on 4 February, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:7238

Court No. - 15

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2658 of 2024

Applicant :- Pyarey Lal And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And Another

Counsel for Applicant :- M.K. Dixit, Prashant Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the material placed on record.
2. Instant application has been filed with the prayer to enlarge the accused-applicants on anticipatory bail in Case Crime No. 376 of 2003, under sections 147/148/149/307/506/352 of the I.P.C. and section 9/51 of the Wild Life Protection Act, Police Station-Kotwali Lakhimpur, District-Lakhimpur Kheri.
3. From perusal of the order sheet, it appears that on 03.12.2024, the following order was passed:-

"Heard learned counsel for the applicants, learned AGA for the State and perused the record.

The instant anticipatory bail application has been filed on behalf of the applicant with the prayer to release them on anticipatory bail in Case Crime No. 376 of 2003, under sections 147/148/149/307/506/352 of the I.P.C. and section 9/51 of the Wild Life Protection Act, Police Station-Kotwali Lakhimpur, District-Lakhimpur Kheri.

Contention of learned counsel for the applicants is that the applicants are innocent and have falsely been implicated. He added that the first information report was lodged in the year 2003 and the applicants are not named in the first information report. He next added that the proceeding was subsequently challenged in the application under section 482 Cr.P.C., wherein the proceedings were stayed and later on, the application under section 482 Cr.P.C. was dismissed in the year 2013 and once, the non bailable warrants were issued against the applicants, they came to know that the criminal proceedings are going on against them. He next added that the applicants have never avoided any investigation proceeding and they undertake that they will always cooperate with the trial proceedings. He submits that the applicants have no previous criminal antecedent and they each are 65 years of age and there is an acute apprehension that the police will arrest them, as such, they may be enlarged on anticipatory bail.

On the other hand, learned AGA appearing for the State has opposed the contentions aforesaid and submits that the applicants are not entitled for any relief.

Considering the aforesaid facts and circumstances of the case and after perusal of the record, this Court finds it a fit case for grant of interim anticipatory bail.

Accordingly, till the next date of listing, the present applicants-Pyarey Lal and Sugreev, shall be released forthwith, in case of their arrest, in the aforesaid case crime (supra) on an interim anticipatory bail on their furnishing personal bonds and two solvent sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) that the applicants shall make themselves available for interrogation by a police officer as and when required;
- (ii) that 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 them from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii) that the applicants shall not leave India without the previous permission of the court;
- (iv) that in case chargesheet is submitted, the applicants shall not tamper with the evidence during the trial;

(v) that the applicants shall not pressurize/ intimidate the prosecution witness;

(vi) that the applicants shall appear before the trial court on each date fixed unless personal presence is exempted;

(vii) that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

Let notice be issued to opposite party no. 2 returnable at an early date.

Steps be taken within a week.

If the steps are taken, the office shall proceed accordingly.

List/put up this matter in the Second Week of January,2025.

In the meantime, learned counsel for the State as well as opposite party no. 2 shall file their counter affidavits. "

4. From perusal of the order dated 03.12.2024, it transpires that State counsel has failed to demonstrate that there is any adversarial fact which are pleaded in the bail application. This Court finds that the applicants were enlarged on an interim anticipatory bail after thorough considering the merits of the case. The learned counsel for the State has also failed to substantiate that the present applicants are not cooperating with the investigation proceedings.

5. In view of the aforesaid, the present anticipatory bail application is hereby allowed while extending anticipatory bail to the applicants, namely, Pyarey Lal and Sugreev till disposal of the trial subject to the following conditions:-

(i) that the applicants shall make themselves available for interrogation by a police officer as and when required;

(ii) that 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(iii) that the applicants shall not leave India without the previous permission of the court;

(iv) that the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicants shall not pressurize/intimidate the prosecution witness.

6. In case of default, it would be open for the Investigating Agency to move application for vacation of this interim protection.

Order Date :- 4.2.2025 Mohd. Sharif