# Legal Case Summary: Lal Kamlendra Pratap Singh vs State of U.P. & Ors (2009)

Case Title: Lal Kamlendra Pratap Singh vs State of U.P. & Others

Citation: AIR 2009 SC (SUPP) 2178, 2009 (4) SCC 437

Court: Supreme Court of India

Date of Judgment: 23 March 2009

Bench: V.S. Sirpurkar, Markandey Katju

## Facts of the Case:

- The appellant, Lal Kamlendra Pratap Singh, filed a writ petition in the Allahabad High Court seeking quashing of an FIR registered under Sections 467, 468, 471, 420, 409, and 218 IPC at Police Station Mahoba, District Mahoba, U.P.  
- The High Court refused to quash the FIR but directed that if the appellant surrendered within 10 days, his bail application should be considered expeditiously.  
- The appellant, aggrieved by this, filed an appeal before the Supreme Court.

## Procedural History:

- The High Court declined to quash the FIR but offered relief regarding expeditious bail consideration.  
- The Supreme Court had earlier stayed the arrest of the appellant pending hearing (interim relief granted on 30.11.2007).  
- By the time of Supreme Court’s final hearing, the charge sheet had been filed, and cognizance had been taken by the trial court.

## Issues before the Court:

1. Whether the FIR against the appellant should be quashed.  
2. Whether interim bail or protective relief was warranted given that there was no provision for anticipatory bail in U.P.

## Judgment:

- The Supreme Court declined to quash the FIR, especially since cognizance had been taken.  
- The appeal was dismissed.  
- However, the Court directed that the appellant should appear before the trial court on or before 15th April 2009 and file a bail application.

## Key Legal Findings:

1. No Automatic Arrest: Arrest is not mandatory in all cognizable offence cases. Police should follow guidelines laid down in Joginder Kumar vs State of U.P. (1994).  
2. Interim Bail Permissible: Even though there is no anticipatory bail provision in U.P., courts can grant interim bail pending final disposal of the bail application.  
3. Amaravati Case Reaffirmed: The Supreme Court endorsed the Full Bench decision of the Allahabad High Court in Amaravati vs State of U.P. (2005), which allowed courts to grant interim bail.

## Final Decision:

✅ Appeal dismissed  
✅ FIR not quashed  
✅ Appellant allowed to apply for bail  
✅ All courts in U.P. directed to follow Amaravati decision on interim bail