

Court No. - 17

WWW.LIVELAW.IN

**Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 5783 of 2021**

Applicant :- Raj Kumar

Opposite Party :- State Of U.P. And Anr.

Counsel for Applicant :- Daya Shankar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

The Court convened through **video conferencing**.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

The present anticipatory bail application has been filed on behalf of the applicant in F.I.R. No. 122 of 2021, under Sections 147, 148, 149, 395, 397, 332, 353, 504, 506, 427, 336, 307, 34 I.P.C. and Section 7 of Criminal Law Amendment and Sections 131, 132(3), 135A of Representation of People Act, P.S. Kandhai, District Pratapgarh with a prayer to enlarge him on anticipatory bail.

Learned counsel for the applicant submits that the marriage of the applicant was scheduled on 28.04.2021, on account of which, after casting his vote in the forenoon, he went to the house of his maternal uncle-Vidya Shanker Verma r/o Arjunpur Sarai, P.S. Patti, District Pratapgarh, which is 50 km. away from the village of the applicant, to distribute the invitation card of his marriage and stayed there. It is further submitted that it came into his knowledge that some irregularities had taken place at the booth, which was reported by the journalists on the social media and requested the authorities to take necessary action. It also came into the knowledge of the applicant that his name has also been mentioned in the present F.I.R. at the behest of the rivals, who were under the impression that the applicant has not casted his vote in their favour. It is next submitted by the learned counsel for the applicant

that the co-accused Shiv Prasad, Ram Dhari, Om Prakash and Mahendra Singh Patel have already been granted interim protection by this Court vide order dated 09.06.2021 passed in CrI. Misc. Anticipatory Bail Application U/S 438 CR.P.C. Nos. 5435 of 2021 and 5658 of 2021. It is lastly submitted that the applicant does not have any criminal history and no custodial interrogation is needed during the course of investigation, therefore, the applicant is entitled for bail.

Learned A.G.A. opposes the prayer of the applicant and submits that in the said incident, a number of villagers including the applicant assaulted the police personnel and in the said incident four police personnel received injuries, therefore, the applicant is not entitled for bail.

Considering the arguments of learned counsel for the applicant as well as learned A.G.A. and going through the F.I.R. lodged by the police officer, it is evident that the police officer named 45 persons in the said F.I.R., which were unknown to him. As custodial interrogation is not necessary in the present case, therefore, I am of the view that as an interim measure, in case, the applicant-Raj Kumar is taken into custody by the Investigating Officer/Investigating Agency then he shall be released forthwith on interim bail after taking personal bond of Rs.50,000/- subject to the following conditions:-

- (1) The applicant shall make himself available for interrogation by a police officer as and when required;
- (2) 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 him from disclosing such facts to the Court or to any police officer;
- (3) The applicant shall not leave the District concerned without the previous permission of the court.

List this case on 19.07.2021 along with record of CrI. Misc. Anticipatory Bail Application U/S 438 CR.P.C. No. 5658 of

2021.

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In the meantime, learned A.G.A. may file counter affidavit giving status of the investigation against the applicant.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person(s) (preferably Aadhar Card) mentioning the mobile number(s) to which the said Aadhar Card is linked, before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 17.6.2021

VKS