

ITEM NO.6 Court 13 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3262/2021

(Arising out of impugned final judgment and order dated 12-01-2021 in CRMABA No. 8290/2020 passed by the High Court Of Judicature At Allahabad)

LEELAVATI DEVI @ LEELAWATI & ANR. Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH Respondent(s)

IA No. 71552/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-10-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Divyesh Pratap Singh, AOR

For Respondent(s) Mr. Garvesh Kabra, AOR
Mr. Ajay Prajapati, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Shri Divyesh Pratap Singh, learned counsel appearing for the petitioners.

In the facts and circumstances of the case, we see no reason to allow the application of the petitioners for anticipatory bail. However, it is observed that as and when the regular bail application is made, the same may be decided and disposed of at the earliest and preferably within a period of 48 hours from filing such an application and serving a copy of the same on the learned Public Prosecutor.

Before parting, we are constrained to observe that the impugned order passed by the High Court insofar as passing the order that, in case the applicants appear and surrender before the Court within 90 days and apply for bail, and till then no coercive action shall be taken against the applicants is unsustainable and contrary to the decision of this Court in the case of M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others, 2021 (5) Scale 610. We deprecate such an order passed by the High Court. Once the High Court is of the opinion and so observed in the impugned order that the applicants are not entitled to be granted anticipatory bail and the offences alleged are made out from the allegations in the F.I.R., there was no question of granting further protection to the applicants/accused and that too for a period of 90 days and the order that no coercive action shall be taken for 90 days. Despite the judgment and order passed by this High Court in catena of decisions and, lastly, in the case of M/s Neeharika Infrastructure (supra) it is observed that many High Courts are passing such orders which are absolutely unsustainable and not tenable at law.

With this, the present Special Leave Petition is disposed of.

We direct the Registry to send and communicate this order to the Chief Justice of the Allahabad High Court so that this order can be circulated amongst all the Judges of the Allahabad High Court.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER