

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 (Crl.) No(s). 819/2024

(Arising out of impugned judgment and order dated 19-12-2023 in CRMABA u/s. 438 Cr.P.C. No. 9241/2023 passed by the High Court of Judicature at Allahabad)

UMAR ANSARI

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 14594/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 17956/2024 - EXEMPTION FROM FILING O.T.

IA No. 14591/2024 - EXEMPTION FROM FILING O.T.

IA No. 17955/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-05-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Nizam Pasha, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Mr. Sidharth Kaushik, Adv.

For Respondent(s) Ms. Garima Prashad, AAG
Ms. Srishti Singh, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Kapil Sibal, learned senior counsel appearing for the petitioner. The State of Uttar Pradesh is represented by Ms. Garima Prashad, learned AAG.

2. Notice in this case was issued on 25.01.2024 with the following order:

“Heard Mr. Kapil Sibal, learned senior counsel

appearing for the petitioner.

The senior counsel would refer to the contents of the FIR No. 97 of 2022 filed on 04.03.2022 to argue that a speech given during election time by the petitioner's brother, has led to the registering of the case on the ground of alleged violation of the Poll Code and also under Sections 171-F, 186, 189, 153-A, 120-B and 506 of the IPC.

It is then submitted that the High Court even while considering that the anticipatory bail was merited on the facts and circumstances of the case, considered the criminal history of the applicant to be a bar for favourably considering bail for him. According to Mr. Sibal, of the five cases which could be considered to be of criminal antecedent, bail was granted by the court in two of the cases and in the two other cases, order for no coercive steps was passed and the fifth case was quashed by the High Court. It is further submitted that the person who made the Speech - Abbas Ansari was granted regular bail by the learned trial court along with another co-accused.

Issue notice, returnable in four weeks.

In the meantime, the petitioner is protected from arrest."

3. Since then, the State has filed counter affidavit. The contention of Ms. Prashad is that the co-accused who were granted bail had surrendered and then secured bail. But here, the petitioner is seeking anticipatory bail.

4. As can be seen, the co-accused have been granted bail. The truth or otherwise of the petitioner's claim that the offending statement cannot be attributed to the petitioner is a matter of trial. Therefore, we deem it appropriate to grant anticipatory bail to the petitioner - Umar Ansari. If the Police wish to arrest

the petitioner in connection with the FIR No. 97 of 2022, on furnishing a bail bond of Rs.20,000/- to the satisfaction of the Arresting Officer, the petitioner shall be granted bail. However, it is made clear that the petitioner must appear before the Court and should participate in the trial.

5. With the above, the Special Leave Petition stands disposed of.

6. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR