

2023 LiveLaw (SC) 566

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
B.R. GAVAI; J., J.B. PARDIWALA; J.**

July 18, 2023

**CRIMINAL APPEAL NO. OF 2023 [Arising out SLP(Crl.) No. 6740 of 2022]
STATE OF UTTAR PRADESH versus MOHD. AFZAL & ORS.**

Code of Criminal Procedure, 1973; Section 428 - Anticipatory Bail - Self-contradictory orders passed by the High Court - On the one hand, the application for anticipatory bail is rejected and, on the other hand, the interim protection is granted for a period of two months - Appeal allowed and interim protection direction set aside.

(Arising out of impugned final judgment and order dated 12-05-2022 in CRMABA No. 3999/2022 passed by the High Court of Judicature at Allahabad)

For Petitioner(s) Mr. R.K. Raizada, Sr. A.A.G. Mr. Vishwa Pal Singh, AOR Mr. Adesh Kr. Gill, Adv. Mr. Shubham Saxena, Adv. Mr. Suraj Pal Singh, Adv. Mr. Akash, Adv.

For Respondent(s) Mr. Mohd. Zahid Hussain, AOR Mr. Camran Iqbal, Adv. Mr. Comred Iqbal, Adv. Mr. Anupam Mishra, Adv.

ORDER

1. Leave granted.
2. Heard learned counsel appearing for the parties.
3. We are amazed to see the order passed by the learned Single Judge of the High Court of Judicature at Allahabad.
4. The respondents-herein (applicant(s) before the High Court) had filed an application for grant of anticipatory bail.
5. The application was vehemently opposed by the learned counsel for the State on the ground that the respondents were hardened criminals having criminal history. He has also pointed out that against each of the respondents look out notices have also been issued.
6. Leaned Single Judge of the High Court, therefore, after hearing the parties, found that the respondents were not entitled for grant of anticipatory bail.
7. The Court, therefore, rejected the application for grant of anticipatory bail.
8. However, after the application was rejected, a motion was made on behalf of the respondent(s) that they would like to move an application for discharge.
9. The learned Single Judge of the High Court while rejecting an application for anticipatory bail, in the same breath granted them protection for a period of two months. He directed that no coercive steps be taken against the respondent(s) for a period of two months.
10. It is, thus, clear that self-contradictory orders have been passed by the High Court. On the one hand, the application for anticipatory bail is rejected and, on the other hand, the interim protection is granted for a period of two months.
11. In that view of the matter, we are inclined to allow this appeal. The second part of the order directing that no coercive steps shall be taken against the respondents for a period of two months is quashed and set aside.
12. Pending application(s), if any, stand(s) disposed of.