

Court No. - 15

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Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 9304 of 2020

Applicant :- Pawan Kumar Yadav And Anr.

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

Counsel for Applicant :- Alok Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Chaudhary,J.

Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

This is an anticipatory bail application filed in F.I.R. No.179 of 2020, under Sections 376-D & 506 I.P.C., Police Station Sangipur, District Pratapgarh on 18.11.2020 after giving an advance copy to learned A.G.A.

The case was taken on 20.11.2020 when learned A.G.A. informed this Court that he has received instructions and would be filing the counter affidavit within ten days, as Medical Report of the victim which was not on record was required by the Court. The case was fixed for 02.12.2020. On the next date fixed, the counter affidavit was not filed. Again on request of learned A.G.A. one week and no more time was granted for filing the counter affidavit.

When the case is taken up today, learned A.G.A. states that despite repeated reminders being sent, no one has come for filing the counter affidavit.

The anticipatory bail are serious matters which are required to be taken up on priority, as is the same is liberty of a citizen of this country. It is found in large number of cases, that the Investigating Officer/Circle Officer do not take them with the seriousness required, repeatedly time is sought for instructions/counter affidavit or placing the relevant record before the Court. The present matter is one such glaring example, where FIR lodged for an offence of rape, the Medical report is necessarily required to be looked into, but is not being placed before this Court and thus the Court is not able to proceed.

In view thereof, Superintendent of Police, Pratapgarh shall ensure that the Investigating Officer of this case is present before this Court along with entire record of the case on

Learned A.G.A. shall also send a copy of this order to the Superintendent of Police, Pratapgarh by FAX today itself. Learned A.G.A. shall also forward a copy of this order to the Additional Chief Secretary (Home) for issuing directions to all concern to ensure proper assistance to the Court expeditiously in all anticipatory bail application.

List/put up on 16.12.2020 in the additional cause list.

Order Date :- 14.12.2020

P.S. Parihar

(Vivek Chaudhary, J.)