

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Special Leave Petition (Criminal) No. 7358 OF 2021

Sanatan Pandey

...Petitioner

Versus

State of Uttar Pradesh and Anr.

...Respondents

ORDER

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 24.06.2021 passed by the High Court of Judicature at Allahabad in Crl. Misc. Anticipatory Bail No.6648 of 2021 by which the High Court has refused the prayer of the applicant for grant of anticipatory bail, the original accused has preferred the present Special Leave Petition.

2. We have heard Shri Shyam Divan, Learned Senior Advocate appearing on behalf of the petitioner.

3. Shri Shyam Divan, Learned Senior Counsel appearing on behalf of the applicant has vehemently submitted that the petitioner has been falsely implicated in the case. It is submitted that in this case the investigation has been completed and the charge-sheet has been filed and therefore, it is a fit

case to grant anticipatory bail to the applicant.

3.1 At the outset, it is required to be noted that the petitioner is charged for the offences punishable under Sections 147, 148, 323, 324, 307, 308, 504 and 452 of the Indian Penal Code. The incident is of 05.03.2017. Even the charge-sheet has been filed against the petitioner and other co-accused as far as back on 20.11.2018. Earlier the petitioner moved an application before the High Court to quash the charge-sheet, in exercise of powers under Section 482 Cr.P.C. which came to be dismissed by the High Court vide order dated 10.12.2019. However, though not permissible the High Court vide order dated 10.12.2019 directed that in case the applicant appears and surrenders before the Court within 30 days and applies for bail, his prayer for bail shall be considered and for a period of 30 days no coercive steps can be taken against the accused in the aforesaid case. Despite the same and having taken the benefit of the order dated 10.12.2019, the petitioner did not surrender and apply for regular bail. That thereafter non-bailable warrant has been issued against the applicant and even the proceedings under Section 82 of the Cr.P.C. has been initiated. Thus, it has been found that the petitioner is continuously absconding and not available at home. The submission on behalf of the petitioner that initially he was not named as accused in the FIR is concerned, the same has been dealt with by the Learned trial Court and the Learned trial Court has observed that even in the first FIR one person was shown as unknown. Thus, from the aforesaid it is found that there is a prima

facie case found against the petitioner for the aforesaid offences and even the charge-sheet has been filed and the petitioner is found to be absconding. Therefore, this is not a fit case to grant anticipatory bail to the petitioner. The Court shall not come to the rescue or help the accused who is not cooperating the investigating agency and absconding and against whom not only non-bailable warrant has been issued but also the proclamation under Section 82 Cr.P.C. has been issued.

In view of the above, we see no reason to interfere with the impugned judgment and order passed by the High Court. Hence, the application in CrI. Mic. Anticipatory Bail Application No.6648 of 2021 stands dismissed.

.....J.
[M.R. SHAH]

NEW DELHI;
OCTOBER 7, 2021.

.....J.
[A.S. BOPANNA]

ITEM NO.5 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). 7358/2021

(Arising out of impugned final judgment and order dated 24-06-2021 in CRMABA No. 6648/2021 passed by the High Court Of Judicature At Allahabad)

SANATAN PANDEY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No.123627/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.123626/2021-EXEMPTION FROM FILING O.T.)

Date : 07-10-2021 This petition 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. Shyam Divan, Sr. Adv.
Mr. Raghwendra Tiwari, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Mamta Tiwari, Adv.
Mr. Ravi Mishra, Adv.
Ms. Amrita Kumari, AOR

For Respondent(s)

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

The Special Leave Petition is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

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

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)

ITEM NO.5 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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 7358/2021

(Arising out of impugned final judgment and order dated 24-06-2021 in CRMABA No. 6648/2021 passed by the High Court Of Judicature At Allahabad)

SANATAN PANDEY Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR. Respondent(s)

(IA No.123627/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.123626/2021-EXEMPTION FROM FILING O.T.)

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Ms. Mamta Tiwari, Adv.
Mr. Ravi Mishra, Adv.
Ms. Amrita Kumari, AOR

For Respondent(s)

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

Heard Mr. Shyam Divan, learned Senior Advocate, appearing for the petitioner.

The Special Leave Petition is dismissed.

Reasoned Order to follow.

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

(NISHA TRIPATHI)
BRANCH OFFICER