

Court No. - 73

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 799 of 2021**

Applicant :- Rajendra @ Bhola

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Pradeep Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Counter affidavit filed by learned A.G.A. in the Court today is taken on record.

Heard learned counsel for the applicant and learned A.G.A for the State.

The instant anticipatory bail application has been filed on behalf of the applicant, **Rajendra @ Bhola**, with a prayer to release him on bail in **Case Crime No. 135 of 2020, under Sections- 110, 7(1)(C), 113-B of Custom Duty Act and Section 11 of Prevention of Cruelty to Animals Act and Section 307, 427 I.P.C. and Section 3/5A/8 of U.P. Prevention of Cow Slaughter Act, Police Station- Thoothibari, District- Maharajganj**, during pendency of trial.

Having heard learned counsel for the parties and upon perusal of material brought on record as well as complicity of accused and also judgement of the Apex Court in the case of **P. Chidambaram Vs. Directorate of Enforcement, AIR 2019 SC 4198**, this Court does not finds any exceptional ground to exercise its discretionary jurisdiction under Section 438 Cr.P.C.

However, in view of the entirety of facts and circumstances of the case and on the request of learned counsel for the applicant, it is directed that in case the applicant appears and surrenders before the court below within 90 days from today and applies for bail, his prayer for bail shall be considered and decided as per the settled law laid by this Court in the case of **Amrawati and another Vs. State of U.P.** reported in **2004 (57) ALR 290** as well as judgement passed by Hon'ble Apex Court in the case of **Lal Kamendra Pratap Singh Vs. State of U.P.** reported in **2009 (3) ADJ 322 (SC)**.

Till then, no coercive action shall be taken against the applicant.

However, in case, the applicant does not appears before the court below within the aforesaid period, coercive action shall be

taken against him.

It is made clear that the applicant will not be granted any further time by this court for surrendering before the court below as directed above.

Interim anticipatory bail granted to the applicant earlier, stands cancelled.

With the aforesaid directions, this application is finally disposed of.

Order Date :- 10.2.2021

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