

Satish Kumar Sharma Vs. Delhi Administration and ors.

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Court : Delhi

Decided On : Nov-11-1990

Reported in : 1992CriLJ950

Judge : R.N. Pyne and; P.N. Nag, JJ.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 438

Appeal No. : Criminal Writ Appeal No. 265 of 1990

Appellant : Satish Kumar Sharma

Respondent : Delhi Administration and ors.

Advocate for Def. : Mr. Yogeshwar Prasad

Advocate for Pet/Ap. : H.R. Bhardwaj,; A.K. Srivastava,; Arun Bhardwaj,;

Judgement :

R.N. Pyne, C.J.

(Rule D.B.)

(1) To be heard today with the consent of both the parties.

(2) The petitioner Captain Satish Kumar Shanna, a resident of Delhi is a member of the Parliament and owes allegiance to Indian National Congress. He actively

campaigned in Amethi Parliamentary Constituency for Sh. Rajiv Gandhi, for mer Prime Minister of India, during the Parliamentary Elections held in November, 1989 and Sh. Rajiv Gandhi won this, Parliamentary seat by a margin of more than 2,00,000 votes.

(3) Shri Sanjay Singh, who was earlier a sitting Congress (1) M.L.A., defected from the party and joined the Janta Dal. On the ticket of Jaata Dal he fought from Amethi Assembly Constituency but lost to the Congress candidate, viz., Harcharan Singh Yadav by a big margin, with the result, he became very inimical to the petitioner.

(4) On 23-11-1989 at about 3.00 P.M. some unfortunate violent incident took place between Janfa Dal and the Congress workers and it appears there was a cross firing in which Shri Sanjay Singh received bullet injuries. F.I.Rs. were lodged by both the parties and cross cases were registered with the police station Munshi Ganj U/S 147, 148. 149 and 307 Indian Penal Code being case Crime No. 182 of 1989 and 182-A of 1989.

(5) F.I.R. Crime No. 182 of 1989 was registered at the instance of Shri Ashish Shukla at about 345 n.m. on 22-11-1989 at P.S. Munshi Ganj in which allegation was that Shri Sanjay Singh fired with his rule as a result of which persons, namely- Manoj Kumar, Satya Narayan Yadav, Sitla Prasad etc. were injured.

(6) F.I.R. Crime No. 182-A of 1989 was registered at about 6.45 A.M. on 23-11-1989 at the instance of Shri Jai Parkash Singh H.C. 24 according to which Shri Sanjay Singh sustained injuries. However, the assailants were unknown. In both the F.I.Rs. the name of the petitioner was not mentioned.

(7) After investigation, first a charge sheet was filed in Court of Cjm Sultanpur on 16-2-1990 in case Crime No. 182-A of 1989 U/S 147, 148, 149, 307, 302, 504 Indian Penal Code which was followed by two supplementary charge sheets dated 6-4-1990 and 7-5-1990. In all these three charge sheets the petitioner was not chargesheeted although it is stated in the return that the name of the petitioner was mentioned therein as an accused person against whom the investigations were pending. In these charge sheets there were 19 accused persons court whom

15 have already been enlarged on bail by the Sessions Judge, Sultanpur.

(8) According to the petitioner, there is absolutely no case against him. In fact, no complicity in the crime was alleged against him from November, 1989 1st week of February, 1990. After Shri Sanjay Singh who returned from London after his treatment on 1st February, 1990 at his behest, pressure and undue influence the case against the petitioner was cooked up by the police and C.I.D of U.P. It has been alleged that Sanjay Singh is the brother's son-in-law of Shri V. P. Singh, the present Prime Minister of India and is very close of him; and, as such he is exercising tremendous influence on the Government of U.P. including Cid and Police of U.P. as a result thereof he has been able to fabricate a false case against the petitioner after his return from England. As already mentioned, Shri Sanjay Singh is doing so out of political vendetta as he considers the petitioner responsible for his defeat in his Assembly constituency in Amethi. In fact he is determined to humiliate the petitioner by getting him arrested and paraded in the streets.

(9) According to the petitioner, there is no evidence to connect him with the commission of the crime nor was his name mentioned in the FIR. That is why no charge sheet U/S 173 Criminal Procedure Code . could be submitted in the Court by the police till 21-5-1990 although three charge sheets in the. case were already submitted in the Court by the police. This case was fabricated at the instance of Shri Sanjay Singh and police investigating Team added section 120-B Indian Penal Code . in the charge sheet already filed before the C.J.M., Sultanpur on the basis of evidence already recorded. No challan could be put up against the petitioner without any fresh evidence. Section 173 is a very important step as it requires investigation to be completed without unnecessary delay and in this case the petitioner has been. charge sheeted after six months.

(10) After 7th May, 1990 when the last charge sheet was filed in Court and the petitioner, at that stage, as well was yet to be challaned, the respondents, under undue pressure from Shri Sanjay Singh got non-bailable warrant issued on 14-5-1990 from Chief Judicial Magistrate, Sultanpur against the petitioner which was endorsed to the Commissioner of Police, Delhi for execution. After the said

warrant of arrest was brought to Delhi and again endorsed in favor of various Delhi Police Functionaries like Additional Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police & finally to Inspector of Police of P.S. Mehrauli who was authorised to execute the warrant and consequently to effect the arrest of the petitioner in Delhi within the jurisdiction of Delhi High Court. Since the petitioner was about to be arrested and deprived of his liberty he was constrained to file the present civil writ petition under Article 226 of the Constitution for restraining' the respondents from arresting the petitioner in case Crime No. 182-A/89 P.S. Munshi Ganj, Distt. Sultanpur, U.P. In this writ petition the petitioner has also prayed for quashing the proceedings in Case Crime No. 182-A/89 and the Warrant of arrest issued by C.J.M. Sultanpur against him. During the course of arguments, however, Mr. Bhardwaj learned counsel for the petitioner, did not press for quashing of proceedings and the impugned warrant although the arguments were addressed by him that there was no legal justification for the magistrate for issuing of such impugned warrant. However, he confined himself only to the prayer of restraining the respondents from arresting the petitioner and for enlarging him on the anticipatory bail.

(11) The petitioner has also brought to our notice that he has also challenged the charge sheet and connected proceedings submitted before the Magistrate in the High Court of Judicature at Allahabad-Lucknow Bench-and a notice has been ordered to be; issued by that Court. Further proceedings have also been stayed. Certified copy of the order dated 25-6-1990 has been placed on record.

(12) Respondents 2 and 3 have denied that the case has been fabricated out of political vendetta and under undue influence of Shri Sanjay Singh. They have also raised preliminary objections about the maintainability of the writ petition. The respondents have raised preliminary objections that this court has no territorial jurisdiction to entertain the civil writ petition under Article 226 of the Constitution of India; that the petitioner has an alternate remedy under the Criminal Procedure Code : and parallel proceedings have been initiated in the Lucknow Bench of Allahabad High Court. The writ petition thereforee is not maintainable.

(13) At the very outset Mr. Yogeshwar Prasad, learned counsel for respondents 2 and 3 vehemently submitted that this court has no territorial jurisdiction to entertain this petition as. according to him the cognizable offence is alleged to have been committed in the State of Uttar Pradesh and such an offence can ordinarily be enquired into by the court in whose jurisdiction the offence has been committed. The jurisdiction with regard) to the grant of anticipatory bail, thereforee, can only be exercised by the court in the State of Uttar Pradesh having jurisdiction in the matter.

(14) As similar question arose before this court in Pritam Singh vs. State of Punjab : 19(1981)DLT300 (1) where a cognizable offence was alleged to have been committed in the State of Punjab whereas the anticipatory bail was applied for before the Delhi High Court as the accused had reasonable apprehension of arrest in Delhi. In that context this Court observed that there is nothing in Section 438 which restricts the jurisdiction of the High Court or the Court of session. One need not mix up the jurisdiction relating to cognizance of an offence with that of granting of bails. Bails are against arrest and detention. thereforee, an appropriate court within whose jurisdiction the arrest takes place or is apprehended or is contemplated will also have jurisdiction to grant bail to the person concerned. If the court of session or the High Court has the jurisdiction to grant interim bail, then the power to grant full anticipatory bail will emanate from the same jurisdiction. Concurrent jurisdiction in courts situated in different States is not outside the scope of the Cr. P. C. It is not possible to divide the jurisdiction under Section 438 Criminal Procedure Code . into an ad interim and complete, but it permissible if it is so expedient or desirable, for any of the courts competent to take cognizance of and to try an offence and the courts competent to grant bails or grant anticipatory bail for a specified period only, and hereby this Court rejected the contention of the State of Punjab with regard to jurisdiction of the High Court of Delhi for the grant of anticipatory bail in respect of cognizable offence alleged to have been committed in the State of Punjab. Consequently, the petition for anticipatory bail was allowed finally and not as an interim measure.

(15) In B. R. Sinha and others vs. The State (2) the Division Bench of the Calcutta High Court also expressed the same view and observed that the High Court has

jurisdiction to entertain an application for anticipatory bail of a petitioner who resides within the jurisdiction of High Court, though he apprehends arrest in connection with a case which has been started outside the jurisdiction of such Court.

(16) This question also came up for consideration before the Karnataka High Court in *Dr. L. R. Naidu vs. State of Karnataka* 1984 1. L.J. 757(3) wherein the Karnataka High Court expressed similar views that Section 438 provides relief to person apprehending arrest. A beneficial provision like Section 438, is required to be considered in favor of the citizen. There is nothing in the provisions of Section 438, suggesting that it is only the High Court or the Sessions Court, within whose jurisdiction, the case against the person apprehending arrest is registered that can grant bail. thereforee, the person apprehending arrest can seek bail in the High Court or the Sessions Court within whose jurisdiction, he ordinarily resides even though the offence in respect of which arrest is apprehended and case has been started was committed outside the jurisdiction of that Court (in another State).

(17) A Division Bench of the Bombay High Court in *N.K. Nayar and others vs. State of Maharashtra and others* (4) again held that the provisions for the grant of anticipatory bail are contained in Section 438 of the Criminal Procedure Code . An application for such type of bail can be made to the High Court or to the Court of Sessions whenever a person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence. Thus the real cause for making an application under Section 438 is the contemplated arrest of a person. If this arrest is likely to be effected within the jurisdiction of this Court, the concerned person should have the remedy of applying to that Court for anticipatory bail.

(18) However, in *Syed Zafrul Hassan and another vs. State* 1986 Cri. L.J. 605 the Full Bench of Patna High Court has struck a dissenting note and held that Section 438 of the Code does not permit the grant of anticipatory bail by any High Court or any Court of Session within the country where the accused may choose to apprehend arrest. Such a power vests only in the Court of Session or the High Court having jurisdiction over the locale of the commission of the offence of which the person is accused. Question of residence of accused is irrelevant in such a

case. This judgment, in fact, was heavily relied upon by Mr. Yogeshwar Prasad, learned counsel for respondents 2 and 3 and it was contended that this court has no jurisdiction to grant anticipatory bail to the petitioner and the reasoning adopted by him was the same as was adopted in that case for the proposition that the jurisdiction can be exercised only by the High Court or Court of Sessions where the offence is alleged to have been committed.

(19) In the light of what is discussed above, the consensus view of various High Courts that emerges is that the High Court or Court of Sessions within whose territorial jurisdiction the person has a reasonable apprehension that he would be arrested shall have concurrent jurisdiction to grant anticipatory bail. We agree and endorse this consensus view and more particularly the view expressed by our High Court in Pritam Singh's case (supra). With respect, we find ourselves unable to agree with the views expressed by the Patna High Court.

(20) In order to determine whether or not the High Court or the Court of Sessions within whose territorial jurisdiction a person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, it is necessary to reproduce Section 438(1) as under :-

'438(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.'

(21) A bare perusal of the Section reveals that no restrictions for grant of anticipatory bail have been imposed in Section 438(1) for exercise of jurisdiction by that High Court or Court of Sessions within whose territorial jurisdiction a person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence. On the other hand, such High Court or Court of Sessions has been conferred jurisdiction to exercise such power. It is no doubt true that the High Court or the Court of Sessions within whose territorial jurisdiction the offence has been committed and within whose jurisdiction the offence ordinarily be enquired into and tried by a Court shall also have the jurisdiction to

grant anticipatory bail. But this does not take away the jurisdiction of the High Court or Court of Sessions to grant anticipatory bail where a person has reason to believe that he would be arrested in connection with non-bailable offence. Section 438(1) is wide enough to confer jurisdiction not only to the High Court or the Court of Sessions within whose territorial jurisdiction the offence has been committed and is to be enquired into and tried but also the High Court or the Court of Sessions where a person has reason to believe that he may be arrested in connection with the commission of non-bailable offence. By taking away the jurisdiction from the High Court or the Court of Sessions for the grant of anticipatory bail within its territorial jurisdiction in respect of a person who may be arrested in connection with non-bailable offence would be reading certain words in the section which are not to be found therein. At the cost of repetition no restriction whatsoever has been placed for exercise of power by the High Court or the Court of Sessions for the grant of anticipatory bail within whose territorial jurisdiction if a person has reason to believe that he may be arrested in connection with non-bailable offence. The purpose for which this beneficial provision of anticipatory bail was introduced in the Code of Criminal Procedure, 1973 has been referred to by the Supreme Court in para 8 of *Gurbaksh Singh Sibbia vs. State of Punjab* : 1980 CriLJ1125 of that judgment is reproduced below :-

'No one can accuse the police of possessing a healing touch nor indeed does anyone have misgivings in regard to constraints consequent upon confinement in police custody. But, society has come to accept and acquiesce in all that follows upon a police arrest with a certain amount of sang-froid, in so far as the ordinary rule of criminal investigation is concerned. It is the normal day-to-day business of the police to investigate into charges brought before them, and, broadly and generally, they have nothing to gain, not favors at any rate, by subjecting ordinary criminals to needless harassment. But the crimes, the criminals and even the complainants can occasionally possess extraordinary features. When the even flow of life becomes turbid, the police can be called upon to inquire into charges arising out of political antagonism. The powerful processes of criminal law can then be perverted for achieving extraneous ends. Attendant upon such investigations, when the police are not free agents within their sphere of duty, is a great amount of inconvenience, harassment and humiliation. That can even take

the form of the parading of a respectable person in hand-cuffs, apparently on way to a court of justice.'

Further, in para 26 of that judgment the Supreme Court has further held that since denial of bail amounts to deprivation of personal liberty, the Court should lean against the imposition of unnecessary restrictions on the scope of Section 438, especially when no such restrictions have been imposed by the legislature in the terms of that section. Section 438 is a procedural provision which is concerned with the personal liberty of the individual, who is entitled to the benefit of the presumption of innocence since he is not, on the date of his application for anticipatory bail, convicted of the offence in respect of which he seeks bail. An over-generous infusion of constraints and conditions which are not to be found in Section 438 can make its provision constitutionally vulnerable since the right to personal freedom cannot be made to depend on compliance with unreasonable restrictions. The beneficent provision contained in Section 438 must be saved, not jettisoned. These observations have been made in the context that earlier the view taken was that the power of granting anticipatory bail was somewhat extraordinary in character and in exceptional cases it should be granted. Having regard to the object and the purpose for which this beneficent provision was enacted by way of amendment in 1973 in the Code of Criminal Procedure and more particularly no restriction whatsoever has been imposed by the legislature in Section 438 which takes away the jurisdiction of the High Court or Court of Sessions within whose jurisdiction a person has reason to believe that he may be arrested in connection with non-bailable offence and in the light of the observations of the Supreme Court in this context, we have no hesitation to hold that Section 438(1) confers concurrent jurisdiction in the High Court and the Court of Sessions to enlarge a person on anticipatory bail within whose jurisdiction a person has reason to believe that he may be arrested on an accusation of having committed non-bailable offence.

(22) Viewed from different angle, under Article 226 of the Constitution the High Court has been given still wider powers. Under Article 226(2) it has been provided that the power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court

exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such persons is not within those territories. In the present case, the facts are undisputed that on the basis of a non-bailable warrant for the arrest of the petitioner issued by C.J.M. Sultanpur the petitioner is sought to be arrested in Delhi by execution of the said warrants by the Commissioner of Police, Delhi to whom the warrant was endorsed by the C.J.M. Sultanpur. In other words, the petitioner is sought to be deprived of his personal liberty and threatened to be arrested in Delhi within the jurisdiction of High Court of Delhi and through the police officers of Delhi to whom the warrant has been endorsed, although the offence is alleged to have been committed in the State of Uttar Pradesh. therefore, it cannot be disputed that since there is a threat of deprivation of liberty of the petitioner in the State of Delhi in connection with an offence alleged to have been committed in the State of Uttar Pradesh, the cause of action in part certainly arises in Delhi. therefore, this Court has jurisdiction in the matter irrespective of the seat of the Government or the High Court within whose jurisdiction the offence is alleged to have been committed. therefore, in the light of the discussion above, we have no doubt in mind that since the petitioner has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence in Delhi, this Court has certainly the jurisdiction to enlarge the petitioner on anticipatory bail under Section 438 of the Code of Criminal Procedure as well as under Article 226 of the Constitution.

(23) In the case of S.M.D. Kiran Pasha vs. Government of Andhra Pradesh and others, : (1990)1SCC328 , Supreme Court has clearly held that for protection of fundamental right of personal liberty guaranteed under Article 21 of the Constitution of India from its threatened and imminent violation writ petition under Article 226 is maintainable.

(24) The next preliminary objection raised on behalf of respondents 2 & 3 was that the petitioner should have availed of alternate remedies under Criminal Procedure Code . and he should be directed to avail of those remedies and this petition should be thrown out on this ground alone. This submission of Mr. Yogeshwar Prasad is wholly devoid of any force. When there is imminent/ urgent threat of

deprivation of personal liberty of a citizen, he cannot be asked to avail of the alternate remedies in such a situation as in this process he may actually be arrested and therefore, such remedy will, therefore, neither be adequate nor efficacious.

(25) It was again strenuously urged that the petitioner has started parallel proceedings in the Lucknow Bench of the Allahabad High Court wherein he has sought the quashment of the proceedings of the charge sheet and trial under Section 482 of the Code of Criminal Procedure as according to the petitioner no case has been made out against him under Section 147, 148, 149, 307 Indian Penal Code . As already stated, the prayer made in this writ petition for quashing of the proceedings has neither been pressed nor argued on merits and in fact have been dropped by counsel for the petitioner. Counsel for respondents 2 & 3 has also not addressed this Court on merits. In the face of this there is no question of starting any parallel or of pending proceedings before the Lucknow Bench of Allahabad High Court. In such a situation, there is no question of any parallel proceedings. This contention, therefore, must also fail.

(26) What should be the consideration for the grant of anticipatory bail which has again been the subject-matter in Gurubaksh Singh Sibbia's case (supra). In that case, in substance, it has been observed that grant of anticipatory bail should be left to the discretion of the High Court or the Court of Sessions as no fixed principles can be laid down for the grant of such bail as two cases are never similar and the Cr. P.C. cannot provide for all the eventualities where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end. For the purpose of grant of bail the accused petitioner must have reason to believe that he may be arrested on an accusation of having committed a non-bailable offence. The belief must be reasonable and not vague or fanciful or imaginative. Normally, in the matters of bail, the grant of bail is a rule and refusal is an exception. In regard to anticipatory bail the Supreme Court has further observed :

'In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail, he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weight with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and 'the larger interests of the public or the State' are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail.'

(27) In the present case, it may be noted that the petitioner had reason to believe that he was going to be arrested on an accusation of having committed a non-bailable offence; that the warrant had been issued by C.J.M. Sultanpur and endorsed to the Commissioner of Police, Delhi for execution of the warrant and Police Station Mehrauli was about to execute the warrant and thereby arrest the petitioner; that the investigation in this case was already over even at the time when the warrant was issued on 14-5-1990 and the charge-sheet has already been submitted in the court of C.J.M. Sultanpur on 21-5-1990. Already 3 charge-sheets on 16-2-1990, 6-4-1990 and 7-5-1990 have been presented before C.J.M. Sultanpur and in these charge sheets, the petitioner has not been challaned. These three charge sheets have been filed against 19 accused. All of them have already been enlarged on bail by the Court of Sessions Judge, Sultanpur, and the High Court of 'Judicature at Allahabad, Lucknow Bench. There is no question now of any interference in the investigation of police. The petitioner's name does not

find place in the F.I.R. The petitioner is an M.P. and has deep roots in the society and there is no likelihood of being absconding or tampering with the witnesses who are all residents of U.P. In case he is released on bail it can safely be said that he will appear in court as and when required and he will not jump out the bail. He is a respectable man of the Society and is not a pre-convict.

(28) The offence alleged against the petitioner appears to be of conspiracy under Section 120B read with other offences which is not so heinous a crime. Furthermore, it is settled law that the challan has to be put before magistrate/court of sessions, without unnecessary delay. In the present case the challan has been put up against the petitioner after six months, more particularly after the presentation of three charge sheets in respect of other 19 accused persons, more particularly when the evidence has already been collected and there is no further evidence available with the prosecution for implicating the petitioner in the commission of the crime at such a belated stage.

(29) So, having regard to the antecedents, character of the petitioner, nature of offence and overall background and all other surrounding circumstances. We are of the firm view that the petitioner deserves to be enlarged on anticipatory bail.

(30) What conditions should be imposed on the petitioner, including the personal bond and sureties In this connection the case of Hussainara Khatoon and others v. Home Secretary, State of Bihar, Patna : 1979 CriLJ1036 may be referred to. In that case it has been held that even under the law as it stands today the courts must abandon the antiquated concept under which pretrial release is ordered only against bail with sureties. That concept is outdated and experience has shown. that it has done more harm than good. The new insight into the subject of pretrial release which has been developed in socially advanced countries and particularly the United States should now inform the decisions of our Courts in regard to pretrial release. If the Court is satisfied, after taking into account, on the basis of information placed before it, that the accused has his roots in the community and is not likely to abscond it can safely release the accused on his personal bond.

(31) In the present case the undisputed facts, as already mentioned, are that the petitioner is an M.P. and enjoys respectable status and presumes to be in good

financial condition. There is nothing against his reputation, character and monetary condition. The very fact that he is a Member of (Parliament shows that he is a respectable member of the community who would watch for his reliability and that he has deep roots in the community which would deter him from fleeing from the process of the court. In these circumstances, the ends of justice would be fully met if the petitioner is released on the personal bond of Rs. 10,000 in the event of his arrest.

(32) The next question that may arise is as to whether the petitioner should be granted anticipatory bail for a limited period till he approaches the magistrate of Uttar Pradesh who has also jurisdiction in the matter. In this connection we may again refer to Gurbaksh Singh's case (supra) wherein the Supreme Court has laid down that the normal rule should be not to limit the operation of the order in relation to a period of time for the grant of anticipatory bail. In the present case, the investigation is complete, charge-sheets have been presented before the court and only trial has to be held. The grant of bail is only to ensure that the petitioner attends the trial regularly and, therefore, there is no question of interference in the investigation. Furthermore, this Court has taken the view with which we are respectfully in agreement that the concurrent Jurisdiction has been conferred on courts under Criminal Procedure Code. The appropriate court within whose jurisdiction the petitioner apprehends arrest will also have jurisdiction to grant bail to the person concerned. Concurrent jurisdiction is courts situated in different States is not outside the scope of the Code of Criminal Procedure. It is not possible to divide the jurisdiction under Section 438 Criminal Procedure Code into an ad interim and complete. therefore, even this Court has got concurrent jurisdiction to grant bail in respect of the offences which are to be tried in the State of Uttar Pradesh. Normally, we would have granted anticipatory bail for some period and asked the petitioner to apply for permanent bail before competent court of jurisdiction in Uttar Pradesh. But, since in this case the investigation is already over and, in fact, charge-sheets have also been filed before the competent court and there is apprehension in the mind of the petitioner that in the peculiar facts and circumstances of the case that in Uttar Pradesh where the offence would be enquired into and tried, there is likelihood of the petitioner being humiliated in the eyes of people. In such circumstances and situation it would be appropriate and

expedient in the interest of justice to grant him anticipatory bail till the conclusion of the trial.

(33) We, therefore, allow this petition and enlarge the petitioner on anticipatory bail in the criminal case being Crime No. 182A/89 pending in the Court of C.J.M., District Sultanpur, U.P., and further direct that in the event of his arrest, the petitioner shall be released on his furnishing a personal bond for a sum of Rs. 10,000 to the person/officer effecting his arrest for the petitioner's appearance before the concerned court. After the personal bond is furnished by the petitioner, as directed, the same shall be sent thereafter to the Court of C.J.M., District, Sultanpur U.P.

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