

(1996) 02 SC CK 0083

In the Supreme Court Of India

Case No : Criminal Appeal No. 335 of 1996 Arising out of SLP (Criminal) No. 3366 of 1995

Raghuvir Saran Agarwal

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 26-02-1996

Acts Referred:

Citation : (1998) 8 SCC 617

Hon'ble Judges : A. M. Ahmadii, C.J;M. K. Mukherjee, J;K. Venkataswami, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. Heard counsel. We are surprised, not a little, that anticipatory bail has been granted in a matter where dowry death is alleged to have taken place and the investigation is in progress without assigning any reason whatsoever. If the provision in regard to grant of anticipatory bail is invoked at a stage when the investigation is in progress and the court is unaware of the seriousness of the matter, it would hamper the investigation itself. In any case, if the High Court felt inclined to grant anticipatory bail, it should have stated the reasons for exercising that jurisdiction. Otherwise every person against whom a first information report is lodged alleging a serious crime will rush to the High Court or the Sessions Court that the case may be considered and obtain anticipatory bail rendering the provisions of the Criminal Procedure Code in the matter of arrest, etc. redundant. If the High Court is inclined to grant anticipatory bail, it should indicate the reasons why it has exercised power in cases where if the allegations are true, some serious crime could be stated to have been committed. We, therefore, set aside the impugned order of the High Court dated 3-8-1995. We do not think that this is a fit case in which the power for grant of anticipatory bail should be exercised. We think that the High Court should have dismissed the petition and we hereby do so. The appeal will stand disposed of

accordingly.