



2026:AHC-LKO:41030

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 395 of 2026**

Smt. Durga Devi And 2 Others
.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko.
.....Opposite
Party(s)

Counsel for Applicant(s)	: Awadhesh Kumar Pandey
Counsel for Opposite Party(s)	: G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicants and the learned A.G.A. for the State and perused the record.
2. The instant anticipatory bail application has been filed by the applicants with a prayer to enlarge them on anticipatory bail in Case Crime No. 30 of 2006 u/s 419, 420, 467, 468, 471 I.P.C., Police Station- Dhanepur, District- Gonda.
3. After arguing the matter at some length, learned counsel for applicants submits that he does not want to press this application on merit and he confines his prayer only to the extent that applicants may be permitted to move bail application before the court concerned and suitable directions may be issued that the same may be heard and decided expeditiously, in accordance with law.
4. Learned A.G.A. has no objection in grant of aforesaid prayer.
5. Considering the arguments advanced by the learned counsel for the parties and going through the record, it cannot be said that no offence is made out against applicants. At this stage, only prima facie case is to be seen in the light of the law laid down by Hon'ble Supreme Court in the cases of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC**

(Cr.) 426, State of Bihar Vs. P. P. Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq & Another (Para-10) 2005 SCC (Cr.) 283 and Parabatbhai Ahir & Ors. Vs. State of Gujarat AIR 2017 SC 4843.

6. A seven judges Bench of this Court in the cases of **Amrawati and another Vs. State of U.P. reported in 2004 (57) ALR 290** and Hon'ble Apex Court in **Lal Kamendra Pratap Singh Vs. State of U.P. reported in 2009 (3) ADJ 322 (SC)** and in **Hussain and Ors. Vs. Union of India (UOI) and Ors. reported in MANU/SC/0274/2017** have given various directions to criminal Courts for expeditious disposal of Bail applications. The ratio of above mentioned decisions is quite clear that, in the backdrop of Article 21 of the Constitution of India as the personal liberty of a person is at stake, the bail application should be decided, expeditiously.

In the recent judgment, the Hon'ble Supreme Court in **SUO MOTU WRIT (CRL) No. (S) 1 of 2017 In RE: To issue certain guidelines regarding inadequacies and deficiencies in criminal trials vs. The State of Andhra Pradesh & Ors.** vide its judgment and order dated 20.04.2021 has observed the common deficiencies which occurred in the proceedings of the criminal cases and approved "The Draft Rules of Criminal Practice 2021" which is the part of the judgment in Chapter V Rule 17 of aforesaid Rules that the application for bail in non-bailable cases must ordinarily be disposed off within a period of 3 to 7 days from the date of first hearing. If the application is not disposed off within such period, the Presiding Officer shall furnish reasons thereof in the order itself.

Further, as the Apex Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and another (Special Leave to Appeal (Crl.) No. 5191 of 2021)** has already laid down guidelines for grant of bail, without fettering the discretion of the courts concerned and the statutory provisions governing consideration in grant of bail, no specific directions need be issued by this Court as it is expected that the court concerned will take into consideration the necessary guidelines already issued by the Apex Court.

7. In backdrop of aforesaid decisions and keeping in view the entirety of facts and circumstances of the case and having regard to the submissions of learned counsel for the applicants, the application is disposed of with a direction to the court below that if the applicants appear and apply for bail before the court below within 30 days from today, their prayer for bail shall be considered and decided expeditiously in accordance with law.

8. For a period of 30 days from today or till the applicants apply for bail, whichever is earlier, the applicants shall not be arrested in the aforesaid case.

(Rajeev Singh,J.)

June 12, 2026
GauraV/-