

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.5625/2021

(Arising out of impugned final judgment and order dated 18-05-2021 in CRLMWP No.3698/2021 passed by the High Court of Judicature at Allahabad)

RAKESH KUMAR GIRI

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No.92567/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92568/2021-EXEMPTION FROM FILING O.T. and IA No.92566/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-08-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sunil Kumar Singh, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

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

Applications seeking exemption from filing C/C of the impugned judgment, exemption from filing O.T. and permission to file additional Documents/Facts/Annexures are allowed.

Learned counsel for the petitioner contends that the petitioner is an advocate who complained to the Bar Council against respondent No.4-complainant herein alleging that the said respondent had fabricated degrees and certificates for obtaining the certificate to practice law. It is thereafter

contended that respondent no.4 filed the FIR dated 04.4.2021 against the petitioner alleging that the petitioner had threatened to kill him and had implicated him in false cases and has been defaming him on Facebook. It may also be noticed that the petitioner filed a writ petition before the High Court for restraining respondent No.4 from entering the premises of the Civil Court, Gorakhpur due to his long criminal history and the High Court vide an order dated 04.7.2016 restrained the respondent No.4 from contesting an election for the post of Secretary for the Bar Association till the conclusion of the criminal case against him but that petition was subsequently dismissed as withdrawn.

The petitioner sought anticipatory bail and quashing of FIR dated 04.4.2021. In terms of the impugned order, direction was issued to complete the investigation but the petitioner was denied the benefit of anticipatory bail.

In this behalf learned counsel has drawn our attention to Annexure P-13 where this Court itself has issued notice of contempt against the respondent No.4-complainant in the present case on account of his conduct (Page 77 to 79).

He has further referred to another proceeding at Annexure P-15 i.e. Special Session Trial order wherein the complainant was alleged to have interrupted judicial work and sought to put undue pressure on the judge as a result of which notice was issued to the complainant as to why contempt proceedings be not initiated against him and a reference made.

On examination of the material before us, we are of the view that the petitioner is entitled to benefit the order of anticipatory bail.

Issue notice.

Dasti, in addition, to the standing counsel for the respondent-State (Respondent Nos.1 to 3).

In the meantime, the petitioner be not arrested but shall cooperate with the investigation.

Copy of the order to accompany notice.

[RASHMI DHYANI]
COURT MASTER

[POONAM VAID]
COURT MASTER