



One of the pleas taken by the State is that since proceedings under Section 87 of the Code of Criminal Procedure, 1973 had been already initiated against the respondents, who were absconding, the High Court ought not to have granted the anticipatory bail to the respondents - herein.

We find that in a subsequent order dated 1-12-2020 passed in the case of co-accused, the High Court has fairly observed that initiation of proceedings under Section 87 of the Code of Criminal Procedure was not brought to its notice at the time of passing of the impugned order dated 13-10-2020.

The High Court has further observed in the latter part of the order that as of now the State has not taken any steps to set aside the order dated 13-10-2020.

Having heard learned State's counsel, it appears to us that instead of entertaining this Special Leave Petition, the appropriate recourse for the State is to approach the High Court for cancellation of anticipatory bail order dated 13-10-2020. If such an application is filed by the State along with material information, we request the High Court to entertain and decide the same in accordance with law.

It goes without saying that *prima facie* observations, if any, made by the High Court in the impugned order dated 13-10-2020 shall have no bearing on the merits of the application to be moved by the State. The said application shall be decided as per its own merits.

With these observations and liberty, the Special Leave Petition is disposed of.

Pending applications filed in the matter also stand disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(RAJ RANI NEGI)  
DY. REGISTRAR