

CrPC, 1974 (2 of 1974), S.438 – Cancellation of bail – Penal Code (45 of 1860), S.302, S.323, S.34 – Anticipatory bail – Allegations of causing death of deceased by firing – Appellant’s case supported by the FIR, his statements under Sections 161 and 164 of the CrPC- Statements of the other two eye-witnesses recoded under Section 164 of the CrPC – Investigating officer’s first report indicated that there was a prima facie case against the accused – Supplementary challan indicates that more material had emerged during the course of investigation as against the events portrayed in the FIR registered – Case portrayed by the appellant could not have been ignored by solely relying on the counter-FIR – High Court did not address clear deficiencies in course of investigation was highlighted in order of JMFC and trial Court’s order – The offence is of a serious nature of murder – The FIR and the statements under Sections 161 and 164 of the CrPC indicate a specific role to JS and SS in the crime – The order granting anticipatory bail has ignored material aspects, including the nature and gravity of the offence, and the specific allegations against them – Hence, a sufficient case has been made out for cancelling the anticipatory bail granted by the High Court.

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