**Application under Section 438 CrPC**

**for the grant of Bail.1**

IN THE COURT OF SESSIONS JUDGE, ……………………

IN CASE:

……………………………..………………………………………………………………………..Petitioner

Versus

………………………………………………………………………………………………………..Respondents

Application under Section 438 CrPC for the grant of Anticipatory Bail

Respectfully Sheweth:

1. That the applicant has been involved in a false and frivolous case by one Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by lodging a complaint with the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for offence under sections \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the IPC.

2. That the applicant apprehends arrest by the police in the above said non bailable case.

3. That the applicant is innocent and has been involved due to the enemity and family feud.

4. That the applicant is willing to furnish surety and bail bonds to the satisfaction of this learned court in case he is ordered to be released on anticipatory bail.

5. That neither any recovery is to be effected from the applicant nor the applicant is in a position to temper with the prosecution evidence. The applicant will associate with the investigation when ever required to do so.

It is, therefore, prayed that the applicant may be ordered to be released on bail and this application for anticipatory bail may kindly be allowed. It is further prayed that till the decision of this application interim bail may be granted to the applicant. Such other orders be also passed in favour of the applicant as deemed fit and proper in the facts and circumstances of the case and in the interest of justice.

…………………………………….…. Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Through, Advocate

**IN THE COURT OF SESSIONS JUDGE ……………………………….**

IN CASE:

Applicant

Versus

Respondent

Affidavit in support of the application under Section 438 of CrPC

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirms and declare as under:-

1. That the accompanying application under section 438 CrPC has been drafted at my instance and under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_ are true and correct to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed here at …………………..on \_\_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF …………..**

**IN THE MATTER OF:**

Case No: Cr. M. .P [ M] No: \_\_\_\_\_\_ of 20....

Cr. M. P. M.: of ……………in

Cr. No:\_\_\_\_\_\_ of ……………

Appellant./Non-applicant.

 VERSUS

APPLICANT/RESPONDENT.
Criminal Misc. Petition U/S 482 of Cr. P.C. with the prayer to extend the time for filing power of attorney and furnishing personal as well as surety bail bonds in the above noted case.

MAY IT PLEASE YOUR LORDSHIPS:

1. That the above mentioned Criminal Appeal titled as ………………………………..is pending before this HON'BLE COURT for adjudication.

2. That the above mentioned case came before this HON'BLE COURT on ………………………….. wherein the time was sought for filing of Power Of Attorney and for Furnishing Of Bail Bonds, which were to be filed within a period of …………………..….

3. That the delay in filing of Power Of Attorney and Furnishing of Bail Bonds is due to the reason that I could not contact my client despite my best efforts. So the Bail Bonds could not be furnished within the stipulated time.

4. That the delay in filing of Power Of Attorney and Furnishing of Bail Bond is neither willful nor intentional but for the reasons mentioned as above.

Therefore keeping in view the facts and circumstances as mentioned above it is therefore respectfully prayed that further time of ………… […………….] weeks be granted for the Filing Of Power Of Attorney and furnishing of Bail Bond in the interest of justice.

Place:

Applicant

Through

Counsel.

( \_\_\_\_\_\_)

Advocate.

**IN THE HON'BLE HIGH COURT OF ………….**

IN THE MATTER OF:

…………………………………………………………………………………………………APPLICANT

VERSUS

……………………………………………………………………………………………..RESPONDENT

Affidavit in support of application U/S 482 CR. P. C.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

aged about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years, occupation Advocate do hereby verify and solemnly states on oath as under :-

1.That the contents of paras 1 to 5 of the application are true and correct to the best of my personal knowledge.

2. That I further solemnly affirm and declare that this affidavit of mine is true, no part of it is false and nothing material has been concealed therefrom.

Affirmed at …………………………on this the \_\_\_\_\_\_.

Deponent.

**IN THE HON'BLE HIGH COURT OF ……………**

**IN THE MATTER OF:**

Cr. Misc. No \_\_\_\_\_\_of ……..

IN Cr. AppealNo ………… of …………..

……………………………………………………………………………..Appellant/Non -applicant.

VERSUS

…………………………………………………………………………....APPLICANT /RESPONDENT.

Criminal misc. petition U/S 482 of Cr.P.C. with the prayer to extend the time for furnishing personal as well as surety bail bonds in the above noted case.

MAY IT PLEASE YOUR LORDSHIPS ;

1. That the above mentioned Criminal Appeal titled as ……………………………………..is pending before this HON'BLE COURT for adjudication.

2. That the above mentioned case came before this HON'BLE COURT on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, wherein the time was sought for furnishing of bail bonds, which were to be filed within a period of……….. (….….) weeks.

3. That the delay in furnishing of bail bonds is due to the reason that respondent has met with a serious accident in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as a result of which his vision has been impaired. He is under going treatment for the same.

4. That the respondent has been trying all the time to furnish personal as well as surety bail bonds before the Deputy Registrar \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but being a foreigner does not have any acquaintance in ……………………………………...…………. who could furnish surety bail bonds.

It is therefore most humbly prayed that respondent be allowed to furnish bail bonds before Chief Judicial Magistrate, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or Additional Session Judge, \_\_\_\_\_\_, Distt. \_\_\_\_\_\_

5.That the delay in furnishing of bail bonds is neither willful nor intentional but for the reasons mentioned as above.

Therefore keeping in view the facts and circumstances as mentioned above it is therefore respectfully prayed that further time of four (4) weeks be granted for the furnishing of bail bonds before the Chief Judicial Magistrate, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or Additional Session Judge, \_\_\_\_\_\_. Distt. \_\_\_\_\_\_, in the interest of justice.

Place

Applicant

Through

Counsel.

(\_\_\_\_\_\_\_\_\_)
Advocate.