

Court No. - 69

Case :- CRIMINAL MISC. ANTICIPATORY BAIL
APPLICATION U/S 482 BNSS No. - 2502 of 2025

Applicant :- Abhishek And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajesh K.S. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicants, Sri Neeraj Kumar Sharma, learned AGA for the State and perused the material available on record.

2. This application has been filed seeking anticipatory bail in Case Crime No.201 of 2022, under Sections 147, 148, 452, 323, 325, 506 I.P.C., Police Station- Mahua Khera, District Aligarh, during the trial.

3. Counsel for the applicants contends that the applicants have been falsely implicated in the present case. As per the allegations in the first information report, the applicants along with three named accused and 5-6 unknown persons are alleged to have assaulted the informant and one Ayush. As per the medical report of the informant, he received five injuries. All the injuries were simple in nature, except injury no.1. As per supplementary medical report, the injury no.1 was a fracture of second metacarpal bone of right hand. The other injured received injuries which were simple in nature. It is contended that injury no.1 of the informant was although grievous in nature but not dangerous to life. A vague and general role has been assigned to the applicants. During the course of investigation, the applicants were granted benefit of Section 41-A of Cr.P.C. Investigation has been completed. Charge sheet has been submitted. The applicants had co-operated in the investigation. The applicants have been summoned by the concerned court. No custodial interrogation is required. Counsel for the applicants further contends that the maximum sentence provided for the alleged offences is upto seven years. He submits that in view of the judgment of Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2021) 10 SCC 773**, the applicants are entitled to be enlarged on anticipatory bail. The applicants have no criminal

history. The applicants have apprehension of their arrest in the above mentioned case. In case, the applicants are granted anticipatory bail, they will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. The Supreme Court in the case of **Satender Kumar Antil (supra)** has laid down the guidelines with regard to enlargement of an accused on bail. The guidelines provided category/type of offences. One of the category being Category-A are offences punishable with imprisonment of seven years or less. The Supreme Court in paragraph-3 of the aforesaid judgment has laid down the guidelines that after the filing of the charge sheet/cognizance ordinary the summons are required to be issued permitting the appearance of the accused through Lawyer and the bail applications of the accused persons on appearance are to be decided without the accused being taken into custody or by granting interim bail. A perusal of the aforesaid guidelines would demonstrate that the liberty of an individual has been recognized by the Hon'ble Supreme Court in the aforesaid judgment in term of Article 21 of the Constitution of India.

6. It is further to be noted that as per Section 41 of the Code of Criminal Procedure also during investigation the liberty of an individual is protected in respect of an offence where the maximum punishment provided is upto seven years.

7. It is not the case of the opposite party that applicants were arrested for the alleged offences during investigation and it is also not the case of the opposite party that the applicants had not co-operated in the investigation. Once no apprehension has been raised with regard to the conduct of the applicants and the applicants have been charge-sheeted and summoned in respect of offence in which punishment provided is upto seven years, then in view of the judgment of the Supreme Court in **Satender Kumar Antil (supra)**, the liberty of the individual is required to be protected.

8. It is not shown by learned AGA that the nature and gravity of allegations are such that the same would disentitle the applicants for relief of anticipatory bail. No material, facts, circumstances or concern been shown by learned AGA for the State that the accused may tamper with the evidence or witnesses or accused is of such character that their mere presence at large would intimidate the

witnesses or that accused will use their liberty to subvert justice or tamper with the evidence.

9. It is settled principle of law that the object of bail is to secure the attendance of the accused. No material particulars or circumstances suggestive of the applicants fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

10. Having regard to the submissions made by counsel for the applicants, considering the nature of accusations, antecedents of the applicants, and the fact that as per medical reports of injured persons, all injuries were found simple in nature except injury no.1 of the informant; as per supplementary medical report of the informant, injury no.1 was a fracture of metacarpal bone of the right hand; injury no.1 was although grievous in nature but not dangerous to life, a vague and general role has been assigned to the applicants, during the course of investigation the applicants were granted benefit of Section 41-A of Cr.P.C., investigation has been completed, charge sheet has been filed, the applicants had co-operated in the investigation, the applicants have been summoned by the concerned court, no custodial interrogation is required, the offences against the applicants are punishable up to seven years and adhering to the guidelines provided in the judgment of the Supreme Court in **Satender Kumar Antil (supra)**, without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on anticipatory bail.

11. In the event of arrest, the applicants **Abhishek, Vivek and Deepak**, involved in aforesaid case crime be released on anticipatory bail during pendency of trial, on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) the applicants shall make themselves available on each date fixed in the matter by the court concerned;

(ii) the applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the Court;

(iii) the applicants shall not leave India without the previous permission of the Court and if they have passports, the same shall

be deposited by them before the concerned court.

12. In default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

13. The application stands disposed of.

Order Date :- 13.5.2025

Manish Kr