



2025:AHC:175398

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 6672 of 2025

Ainul Naheem Alias Bade

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Akansha Verma, Deepak Kumar Verma
Counsel for Opposite Party(s) : Devendra Kumar Misra, G.A.

Court No. - 70

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State as well as learned counsel for first informant and perused the record.
2. The present application has been moved on behalf of applicant-Ainul Naheem Alias Bade, seeking anticipatory bail in Case Crime no. 183 of 2018 (Session Case No. 44 of 2019), under Sections 376, 506 I.P.C. and Section 4 of Protection of Children From Sexual Offences Act, Police Station Sikandra, District Kanpur Dehat, with the prayer that in the event of arrest, applicant may be released on anticipatory bail.
3. It has been argued by the learned counsel for the applicant the F.I.R. was lodged on the basis of an application under Section 156(3) Cr.P.C. moved by the informant in which it was alleged that applicant developed physical relations with the informant's daughter for two years on the pretext of marriage but he refused to marry with her. After lodging of F.I.R. the Investigating Officer investigated the matter submitted final report, upon which protest petition was filed which was treated to be complaint. The applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. It has further been submitted that applicant has no criminal antecedents. It was also submitted that applicant undertakes to cooperate during investigation and trial and he would appear as and when required by the Court. It has been stated that in case, the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.
4. Learned A.G.A. and learned counsel for first informant have opposed the application for anticipatory bail and submitted that the trial court after recording statements under Section 200 & 202 Cr.P.C. has summoned the applicant vide order dated 22.07.2022, which order is still running, therefore, applicant does not deserve any indulgence.

5. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

6. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merit of the case, no case for anticipatory bail is made out.

7. The anticipatory bail application is **rejected**, leaving it open to the applicant to apply for regular bail before the court concerned.

(Dr. Gautam Chowdhary,J.)

September 26, 2025

Mustaqeem.