



2025:AHC:164966

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 7034 of 2025

Smt Mansha Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Balram Mishra
Counsel for Opposite Party(s)	: G.A., Manoj Kumar Dubey, Vipul Kumar Dubey

Court No. - 69

HON'BLE VIVEK VARMA, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, Sri Rajshekhar Srivastava, learned AGA for the State, and Sri Manoj Kumar Dubey, learned counsel for the informant, and perused the material available on record.
3. The present application has been filed with the prayer to grant anticipatory bail to the applicant in Case Crime No. 468 of 2024, under Sections 3(5), 115(2), 352, 351(2), 110, 117(2) B.N.S., Police Station Mehnagar, District Azamgarh.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. As per the first information report, the applicant along with five named accused is alleged to have assaulted the father of the informant and his brother. As per the medical report of Lal Bahadur (father of the informant), he received 11 injuries. All the injuries were sent for X-ray examination. The injury nos. 1 and 11 were grievous in nature but were not life threatening. Rest of the injuries were found simple in nature. The injuries received by the other injured were simple in nature. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury nos. 1 and 11 to Lal Bahadur. At this stage there is no credible evidence against the applicant to link with the offence. The investigation has been completed.

The applicant had cooperated in the investigation. The applicant has been summoned by the court concerned. He 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 applicant is entitled to be enlarged on anticipatory bail. The criminal history of the applicant has been explained in Paragraphs-3 and 4 of the supplementary affidavit. The applicant has apprehension of her arrest in the above mentioned case. In case the applicant is released on anticipatory bail, she will not misuse the said liberty.

5. Learned A.G.A. and learned counsel for the informant opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. 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 categories being Category-A is 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 filing of the charge sheet/cognizance ordinarily 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 terms of Article 21 of the Constitution of India.

7. It is further to be noted that as per Section 35 B.N.S.S. also, during investigation the liberty of an individual is protected in respect of an offence where the maximum punishment provided is upto seven years.

8. It is not the case of the opposite party that the applicant was arrested for the alleged offences during investigation and it is also not the case of the opposite party that the applicant had not co-operated in the investigation. Once no apprehension has been raised with regard to the conduct of the applicant and the applicant has 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.

9. It is not shown by learned AGA that the nature and gravity of allegations are such that the same would disentitle the applicant for relief of anticipatory bail. No material, facts, circumstances or concern has 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 his mere presence at large would intimidate the witnesses or that accused will use his liberty to subvert justice or tamper with the evidence.

10. 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 applicant 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.

11. Having regard to the submissions made, considering the nature of accusations, antecedents of the applicant and the facts that except injury nos. 1 and 11 of injured Lal Bahadur, the other injuries were found simple in nature; although injury nos. 1 and 11 were grievous in nature but not life threatening; the injuries received by the other injured were simple in nature; a vague and general role has been assigned to the applicant; the applicant has not been nominated as the principal offender who caused injury nos. 1 and 11 to Lal Bahadur; at this stage there is no substantive evidence to link the applicant with the offence; the applicant had cooperated in the investigation, charge-sheet has been submitted and the applicant has been summoned by the concerned court, the offences against the applicant 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 applicant is entitled to be enlarged on anticipatory bail.

12. In the event of arrest, the applicant- Smt. Mansha Singh, involved in the aforesaid case, 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 applicant shall make herself available on each date fixed in the matter by the court concerned;

(ii) the applicant 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 applicant shall not leave India without the previous permission of the Court and if she has passport the same shall be deposited by her before the concerned court.

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

14. The application stands disposed of.

September 16, 2025
SKT/-

(Vivek Varma,J.)