



2025:AHC:172741

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 7623 of 2025

Rizwan And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Gyan Prakash Mishra
Counsel for Opposite Party(s)	: G.A.

Court No. - 69

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicants and Sri V.P. Tripathi, learned A.G.A. for the State. Perused the material placed on record.

2. This application has been filed seeking anticipatory bail in Case Crime No.227 of 2025 (Case No.6943 of 2025), under Sections 110, 115(2), 191(2), 333, 118(1) B.N.S., Police Station- Khurja Nagar, District - Bulandshahr.

3. Counsel for the applicants submits that the applicants have been falsely implicated in the present case. As per the first information report, the applicants are alleged to have assaulted the four persons, namely, Rashid, Asif, Haji Sabu and Sadiq. As per the medical reports, the injuries sustained by Asif, Haji Sabu and Sadiq were simple in nature. The injured Rashid received four injuries. Injury nos.2, 3 and 4 were simple in nature and injury no.1 was a fracture of frontal bone. Vague and general role has been assigned to the applicants. The author of the injury no.1 caused to the injured Rashid is not known at this stage. 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. 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. Criminal history of applicant no.3 has been explained in

para no.23 of the bail application. Applicant nos.1, 2, 4 and 5 have no criminal antecedents. 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 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.

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, considering the nature of accusations, antecedents of the applicants, and the fact that as per the first information report, the applicants are alleged to have assaulted the four persons, namely, Rashid, Asif, Haji Sabu and Sadiq; as per the medical reports, the injuries sustained by Asif, Haji Sabu and Sadiq were simple in nature; the injured Rashid received four injuries; injury nos.2, 3 and 4 were simple in nature and injury no.1 was a fracture of frontal bone; vague and general role has been assigned to the applicants; the author of the injury no.1 caused to the injured Rashid is not known at this stage, 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 for anticipatory bail.

11. In the event of arrest, the applicants **Rizwan, Imran, Ashu @ Aas Mohd., Shohail @ Soyab and Adil**, 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.

September 24, 2025
Manish Kr

(Vivek Varma,J.)