



2025:AHC:178150

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7768 of 2025**

Smt. Vimla

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Akash Tyagi, Neha Tyagi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed by the learned counsel for the applicant is taken on record.
2. Heard Sri Akash Tyagi, learned counsel for the applicant and Sri O.P. Singh, learned A.G.A. for the State and perused the record.
3. The present application has been moved seeking anticipatory bail in Case Crime No. 315 of 2022, under Sections 498A, 323, 506, 307 IPC and Section 3/4 D.P. Act, Police Station Lisadigate, District Meerut with the prayer that in the event of arrest, applicant may be released on bail.
4. It is contended by the learned counsel for the applicant that applicant is innocent and she has an apprehension that she may be arrested in the above-mentioned case. He further submits that no offence is made out against the applicant. It is further submitted that initially first information report has been filed under Sections 498A, 328, 313, 307, 323, 506 IPC and Section 3/4 D.P. Act. It is also submitted that after investigation chargesheet was submitted under Sections 498A, 323, 506 IPC and 3/4 D.P. Act in which the applicant was enlarged on bail. It is submitted that subsequently Section 307 IPC has been added showing an old injury to the victim. It is submitted that non-bailable warrant has been issued against the applicant and she is apprehending her arrest even after being enlarged on bail in the said case due to addition of Section 307 IPC. It is further submitted that the only injury sustained by the victim is that some

mark has been shown on the neck. He has also placed reliance on a judgement of a co-ordinate Bench of this Court passed in Criminal Misc. Anticipatory Bail Application u/s 438 CrPC No. 9391 of 2022 (Shahzad vs. State of UP), wherein it has been held that anticipatory bail application is maintainable in added section. The co-ordinate Bench has relied on a judgement of Hon'ble Apex Court rendered in Bhadresh Bipinbhai Sheth vs. State of Gujarat and another, 2016 (1) SCC (Cri) 240. It was also submitted that applicant undertakes to co-operate during trial and she would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, she shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

5. On the other hand, learned A.G.A. has opposed the application for anticipatory bail.

6. I have considered the rival submissions made by learned counsel for the parties.

7. The applicant is already on bail in the said case registered under Sections 498A, 323, 506 IPC and 3/4 D.P. Act. Subsequently Section 307 IPC has been added. In view of the law laid down by Hon'ble Apex Court in Bhadresh Bipinbhai Sheth (supra), which has been followed by a co-ordinate Bench of this Court in Criminal Misc. Anticipatory Bail Application u/s 438 CrPC No. 9391 of 2022 (Shahzad vs. State of UP), anticipatory application in added section is maintainable.

8. 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, the 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.

9. 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 merits, a case for anticipatory bail is made out.

10. The anticipatory bail application is **allowed**.

11. In the event of arrest of the applicant- **Smt. Vimla** involved in the aforesaid case crime, he shall be released on anticipatory bail on his 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 not tamper with evidence and that she would appear before the trial Court on the date fixed unless exempted 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 him/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would cooperate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

12. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant herein.

(Jitendra Kumar Sinha,J.)

October 8, 2025

Abhishek