



2025:AHC:175168

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7974 of 2025**

Samad
.....Applicant(s)
Versus
State of U.P.
.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd Adil
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State and perused the material placed on record.
2. This application has been filed with the prayer to grant anticipatory bail to the applicant in Case Crime No.304 of 2024, under sections 191(2), 191(3), 190, 109(1), 117, 132, 223(B) B.N.S., and 7 Criminal Law (Amendment) Act, 1932, P.S. Nakhasa, District Sambhal.
3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. As per the allegations in the first information report 100 to 150 unknown persons are alleged to have assaulted the police personnel. The applicant was identified on the basis of C.C.T.V. footage. In the C.C.T.V. footage no overact has been assigned to the applicant. In the alleged incident three police personnel received injuries. Two police personnel received injuries on non-vital parts of the body, whereas one police personnel sustained a fracture on his right leg. A vague and general role has been assigned to the applicant. The nature of the injuries shows that there was no intent to murder. At this stage, there is no credible evidence to link the applicant with the offence. Further, the co-accused, Mohd Sharik has been granted anticipatory bail by this Court vide order dated 07.08.2025 passed in Criminal Misc. Anticipatory Bail Application No. 6091 of 2025 (Mohd. Sharik vs. State of U.P.). The applicant claims parity. The applicant has no criminal antecedents. The investigation is still pending. It is next submitted

that the applicant has apprehension of his arrest and in case, the applicant is granted anticipatory bail, he will not misuse the said liberty.

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

5. Learned counsel for the applicant further submits that the application for grant of anticipatory bail be confined only till the submission of police report.

6. Having regard to the submissions made, considering the nature of accusations and antecedents of the applicant and the fact that the applicant was not named in the first information report, his name surfaced during the course of investigation; two police personnel received injuries on non-vital parts of the body, whereas one police personnel sustained a fracture on his right leg; a vague and general role has been assigned to the applicant; at this stage, there is no substantive evidence to link the applicant with the offence; further, the co-accused, Mohd Sharik has been granted anticipatory bail by this Court; without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on anticipatory bail till the submission of police report.

7. In the event of arrest, the applicant **Samad** be released on anticipatory bail in the aforesaid case crime till the submission of police report, if any, under section 193(3) B.N.S.S., on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

- (i) The applicant shall make himself available for interrogation by a police officer as and when required;
- (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 or to any police officer;
- (iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. concerned.

8. In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

9. The Investigating Officer is directed to conclude the investigation of the present case in accordance with law expeditiously preferably within a period of three months from the date of production of a copy of this order independently without being prejudiced by any observation made by this Court while considering and deciding the present anticipatory bail application of the applicant.

10. The applicant is directed to produce a copy of this order before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

11. The application stands disposed of.

(Vivek Varma,J.)

September 26, 2025

Sachin Mishra