



2026:AHC:209921

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 10130 of 2026**

Shamshad Ahmad Khan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Zeeshan Khan, learned counsel for the applicant through video conferencing along with Sri Mohd Aadil Siddiqui and Sri Ram Kumar Verma, learned A.G.A. for the State and perused the record.
2. The present application has been filed by the applicant seeking bail in anticipation of his arrest in Complaint Case No. 4316 of 2012 (Prayag Singh Rajpoot V. Ramkumar Rajak & Ors.), under Sections- 387, 325, 323, 504 and 506 IPC, P.S. Kotwali Lalitpur, District Lalitpur.
3. The contention of learned counsel for the applicant is that the applicant is a retired Sub-Inspector and while he was posted at Chowki-Nai Basti, Police Station-Kotwali Lalitpur, in the year 2012, he had challaned the opposite party no. 2, under Sections 151/107/116 Cr.P.C. on 13.06.2012. Thereafter, a complaint was filed as a counterblast to the above challan issued by the opposite party no. 2 on 06.08.2012. It is further submitted that the applicant was not aware of the above proceedings; therefore, an NBW was issued in the year 2023. Thereafter, the applicant was also declared a proclaimed offender on 11.10.2023. It is further submitted that the applicant is a 75-year-old person and that, before filing the complaint, sanction required under Section 197 Cr.P.C. was not obtained. It is further submitted that the complaint in question is based on a concocted and false story.
4. Per contra, learned AGA has opposed the prayer for bail and submitted that the applicant was declared a proclaimed offender vide order dated 11.10.2023; therefore, the anticipatory bail application is not maintainable in view of the judgment of the Apex Court in the

case of **Lavesh Vs. State (NCT of Delhi)** reported in **(2012) 8 SCC 730**. It is further submitted that the injury report also shows that the applicant received a fracture in his leg, which duly substantiates the allegations made in the complaint.

5. Considering the aforesaid submissions and taking into account the fact that the applicant was declared a proclaimed offender on 11.10.2023 and, even then, he did not surrender, therefore, in view of the judgment of the Apex Court in the case of **Lavesh (supra)**, the anticipatory bail application is not maintainable. Even otherwise, the grounds raised by learned counsel for the applicant are subject matter of the trial. Therefore, this Court is not inclined to grant anticipatory bail to the applicant. However, considering the old age of the applicant, it is directed that he shall not be arrested in pursuance of the NBW issued on 11.10.2023 for a period of two days to enable him to appear before the court below and apply for bail.

6. With the aforesaid observations/directions, the application stands **disposed of**.

October 7, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)