2026:AHC:209217

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 2792 of 2026

Usha Devi And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Raghuvansh Misra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material brought on record.

2. The present application has been moved seeking anticipatory bail in Case Crime No. 15 of 2026, under Sections 105, 352, 351(3) B.N.S., Police Station Sukhpura, District Ballia, with the prayer that in the event of arrest, applicant may be released on anticipatory bail.

3. It has been argued by the learned counsel for the applicants that applicants are innocent and they have has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. Charge sheet has not been filed as yet. It has further been submitted that applicants have no criminal antecedents and that no coercive process has been issued against them, so far. It was also submitted that applicants undertake to cooperate during investigation and trial and they would appear as and when required by the investigating agency or Court. It has been stated that in case, the applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will cooperate with the investigation and would obey all conditions of bail. Learned counsel lastly submitted that this case was filed in the month of March, thereafter, this case has been taken up today for the first and in the meanwhile non bailable warrant has been issued against the applicants.

4. Learned A.G.A. has opposed the application for anticipatory bail.

5. 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, 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.

6. 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 merit of the case, a case for anticipatory bail is made out.

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

8. In the event of arrest of the applicants- Usha Devi and Pooja, involved in the aforesaid case crime shall be released on anticipatory bail till submission of police report on his furnishing a personal bond of Rs. 50,000/- each 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) Applicants shall make themselves available for interrogation by a police officer as and when required;

(ii) 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 him/her/them from disclosing such facts to the Court or to any police officer;

(iii) Applicants would cooperate during investigation and trial and would not misuse the liberty of bail.

9. In default of any of the conditions, the Investigating Officer/prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

(Dr. Gautam Chowdhary,J.)

October 6, 2026
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad