2026:AHC:211531

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3095 of 2026

Imran And 5 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashok Kumar Singh Bais
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Shri Ashok Kumar Singh Bais, learned counsel for the applicants, learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicants in Case Crime No.09 of 2021, under Sections 147, 148, 149, 452, 308, 504, and 325 IPC, Police Station Kotwali Nagar, District Saharanpur, with a prayer to grant them anticipatory bail.

3. Learned counsel for the applicants submits that the applicant are absolutely innocent and have been falsely implicated in the present case; they have nothing to do with the alleged offence in spite of that the police are trying to arrest the applicants. It is contended by the learned counsel for the applicants that the applicants were granted anticipatory bail till submission of police report by a co-ordinate bench of this court vide order dated 18.05.2021. Now the chargesheet has been submitted in this case. The other co-accused Israr Chaudhary has been granted anticipatory bail till conclusion of trial. It is further submitted that anticipatory bail application of the applicants ought to have been allowed till conclusion of trial in view of the judgment of the Hon'ble Supreme Court in the case of Sushila Aggarwal vs. State (NCT of Delhi), reported in 2020 SCC Online SC 98. The applicants have co-operated in the investigation The applicants have not arrested during the investigation, therefore, their custodial interrogation is not required since the chargesheet has already been submitted in this case. The applicant has no criminal antecedents to

his credit. Learned counsel for the applicants lastly contended that the applicants undertake to cooperate during trial and shall appear as and when required by the court concerned. It has also been stated that, in case the applicants are granted anticipatory bail, they shall not misuse the liberty of bail, shall cooperate with the trial, and shall abide by all the conditions that may be imposed by the court.

4. On the other hand, learned A.G.A. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

5. I have heard rival submissions of the learned counsel for the parties and perused the records.

6. The chargesheet has already been submitted in this case and there is no allegation against the applicants that they did not cooperate with the investigation. There is no requirement of custodial interrogation of the applicant.

7. In **Aman Preet Singh v. CBI, (2022) 13 SCC 764,** the Hon'ble Apex Court has held that :

> *"11. A reading of the aforesaid shows that it is the guiding principle for a Magistrate while exercising powers under Section 170CrPC which had been set out. The Magistrate or the Court empowered to take cognizance or try the accused has to accept the charge-sheet forthwith and proceed in accordance with the procedure laid down under Section 173CrPC. It has been rightly observed that in such a case the Magistrate or the Court is required to invariably issue a process of summons and not warrant of arrest. In case he seeks to exercise the discretion of issuing warrants of arrest, he is required to record the reasons as contemplated under Section 87 Cr.P.C that the accused has either been absconding or shall not obey the summons or has refused to appear despite proof of due service of summons upon him. In fact the observations in sub-para (iii) above by the High Court are in the nature of caution.*

> *12. In sofar as the present case is concerned and the general principles under Section 170Cr.P.C, the most apposite observations are in sub-para (v) of the High Court judgment in the context of an accused in a non-bailable offence whose custody was not required during the period of investigation. In such a scenario, it is appropriate that the accused is released on bail as the circumstances of his having not been arrested during investigation or not being produced in custody are itself sufficient to entitle him to be released on bail. The rationale has been succinctly set out that if a person has been enlarged and free for many years and has not even been arrested during investigation, to suddenly direct his arrest and to be incarcerated merely because charge-sheet has been filed would be contrary to the governing principles for grant of bail. We could not agree more with this."*

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicants and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, in my view, it is a fit case for anticipatory bail to the applicants till conclusion of trial in the matter.

9. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest/appearance of the applicants- **Imran, Shahid, Shahrukh, Tahir, Jahid, Neema** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on their furnishing personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the court concerned;

(ii) The applicants shall co-operate during trial and shall report to the court concerned as and when required for the purpose of fair trial.

(iii) 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 him from disclosing such facts to the Court; and

(iv) The applicants shall not leave India without the previous permission of the Court.

10. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

(Vivek Kumar Singh,J.)

October 8, 2026
Nitendra

Digitally signed by :-
NITENDRA TIWARI
High Court of Judicature at Allahabad