2026:AHC:226997

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 6303 of 2026

Arjun

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Nirbhay Singh
Counsel for Opposite Party(s)	:	Brijesh Kumar, G.A., Pravin Kumar

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Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

On the previous date, the following order was passed:-

"It is made clear that on the next date fixed, the matter shall be heard and decided finally, even in the absence of either of the parties."

But today, no one has appeared on behalf of the informant/opposite party no. 2.

Heard learned counsel for the applicant as well as the learned A.G.A. for the State and perused the record.

The present Anticipatory Bail Application has been filed by the applicant with a prayer to grant anticipatory bail to the applicant in Case Crime No. 107 of 2020, under Sections 363, 366 IPC, Police Station Ganjdundawara, District Kasganj, during the pendency of investigation/trial.

This Court on 7.7.2026 passed the following order:-

"Learned counsel for the applicant and learned AGA for the State are present.

As per submission made by learned counsel for the applicant, applicant is neither named in the FIR nor his name was surfaced during investigation and he has been summoned in the present matter during the course of trial under Section 319 Cr.P.C.

Issue notice to O.P. Nos. 2 and 3 returnable at an early date.

Put up as fresh on 04.08.2026.

Considering the facts and circumstances of the case, till the next date of listing, in the event of the arrest of the applicant- Arjun, involved in Case Crime No. 107 of 2020, under Sections 363, 366 IPC, Police Station Ganjdundawara, District Kasganj, he shall be released on interim anticipatory bail on his furnishing a personal bond and

two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court 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 him 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;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the interim anticipatory bail of the applicant"

Today, when the case has been called on, learned A.G.A. states that he has received the instructions.

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

Learned counsel for the applicant has reiterated the submissions made before this Court as recorded in the order dated 7.7.2026. He also submits that co-accused of the applicant namely Vishnu, who was named in the FIR has already enlarged on bail by the court concerned.

Learned A.G.A. has opposed the prayer for grant of anticipatory bail.

From perusal of the record, it is indicated that the applicant is neither named in the FIR nor his name was surfaced during investigation and he has been summoned in the present matter during the course of trial under Section 319 Cr.P.C. The applicant had been granted interim anticipatory bail as noticed above and is not stated to have misused the same.The applicant is not stated to be a previous convict.

In ***Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1***, the Hon'ble Apex Court has settled the law on the subject finally by holding that the anticipatory bail need not be of limited duration invariably. In appropriate case, it can continue upto conclusion of trial. It has been further held therein that anticipatory bail granted can, depending on the conduct and behavior of the accused, continue after filing of the charge sheet till trial. It has been further held by the Hon'ble Apex Court that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing

justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

Keeping in view the entire facts and circumstances, and specially the fact that the applicant is not stated to have misused the interim anticipatory bail granted to him, I deem it appropriate to confirm the interim order granted to the applicant.

The application is **allowed.**

In the event of arrest, the applicant **Arjun** shall be granted anticipatory bail on the same terms and conditions as mentioned in the order dated 07.07.2026.

(Jai Prakash Tiwari,J.)

November 2, 2026
Brijesh

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad