2026:AHC:210144

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 7889 of 2026

Ajeet And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gunjan Yadav
Counsel for Opposite Party(s)	:	Anuj Kumar Gupta, G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Learned counsel for the applicant is permitted to delete the applicant no.2-Avadhesh and applicant no.3- Leelsh @ Neelesh from the array of parties, who have been arrested by the police.

2. Heard Ms. Gunjan Yadav, learned counsel for the applicant, Shri Anuj Kumar Gupta, learned counsel for the informant, learned A.G.A for the State and perused the record.

3. The present application has been filed on behalf of the applicant-Ajeet in Case Crime No.94 of 2026, under Sections 191(2), 191(3), 190, 115(2), 109(1), 125, 3(5), 352, 351(3) BNS and Section 7 Criminal Law Amendment Act, Police Station Babrala, District Sambhal, with a prayer to grant him anticipatory bail.

4. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case; he has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. As per the allegation contained in the FIR, two groups were indulging in fighting with each other. From the side of the applicant, three persons sustained several injuries on their person. Injured Rajesh, from the side of the applicant, sustained a fracture on his head. It is further contended that from the other side, three persons namely, Sunil son of Om Pal, Sunil son of Rishi Pal and Mohit son of Budhpal sustained injuries. Their injuries are simple in nature. The doctor

has not opined that the injuries received by the aforesaid injured were grievous in nature or dangerous to life. It is further contended that Section 109(1) BNS has wrongly been invoked in order to send the applicant behind the bar. The co-accused Rajesh, Avdhesh and Neelesh from the side of the applicant, have already been arrested by the police during the course of the investigation. The applicant has no criminal antecedent to his credit. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail, shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

5. On the other hand, learned A.G.A. as well as learned counsel for the informant have opposed the application for anticipatory bail but could not dispute the factual aspect.

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

7. Criminal Misc. Anticipatory Bail Application No.8096 of 2026 (Rajesh vs. State of UP), was disposed of by a co-ordinate Bench of this Court vide order dated 17.08.2026 with the several observations/directions. Both parties sustained injuries in the incident. From the side of the applicant, Rajesh sustained grievous injuries on his person. Three persons from the other side sustained injuries, however, their injuries were found to be simple in nature. The Anticipatory Bail Application No.8096 of 2026 (Rajesh vs. State of UP) was not decided on merit. In the aforesaid case, the learned counsel for the applicant, after some argument, stated that the trial court be directed to decide the bail application of the applicant as expeditiously as possible. The prayer made by the learned counsel for the applicant accepted by this Court and direction was issued by the Co-ordinate Bench of this Court vide order dated 17.08.2026. General and omnibus allegations have been levelled against the applicant. No specific allegation has been levelled against the applicant.

8. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held 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.

9. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

10. 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 merits, a case for anticipatory bail is made out.

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

(i) In the event of arrest of the applicant- **Ajeet**, involved in aforesaid case

shall be released on anticipatory bail till the conclusion of trial, on his furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station or the court concerned;

(ii) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(iii) 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/her from disclosing such facts to the Court or to any police officer; and

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

12. 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 7, 2026
Nitendra

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