2026:AHC:209063

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9796 of 2026

Dilshad And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	A.Z. Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Supplementary affidavit filed today is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A for the State and perused the record.

3. The present application has been filed on behalf of the applicants in Case Crime No.237 of 2026, under Sections 308(6), 126(2), 361(3), 352, 353(1), 61(2) of B.N.S., Police Station -Chilkana, District Saharanpur, with a prayer to grant them anticipatory bail.

4. Learned counsel for the applicants submits that the applicants 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 them. The FIR of the present case was lodged on 16.07.2026 against co-accused Manjoor and three others, including the present applicants. General and omnibus allegations have been levelled against the applicants. The main allegation has been levelled against co-accused Manjoor. No date, time or place of the alleged incident has been mentioned in the FIR. As per the allegations contained in the FIR, co-accused Manjoor, along with the other persons nominated in the FIR, demanded an amount of Rs. 10,000/-, which was never given by the first informant. It is further contended that the present FIR was lodged by the first informant since his niece had married the brother of co-accused Nadeem. The applicants, being friends of co-accused Nadeem, have been falsely

implicated. The niece of the informant and the brother of co-accused Nadeem filed Writ-C No. 24271 of 2026, wherein protection was granted to them vide order dated 09.09.2026 by a Coordinate Bench of this Court. The criminal antecedent of one case of applicant no. 1 and the criminal antecedents of three cases of applicant no. 2 have been explained in the affidavit filed in support of the anticipatory bail application and in the supplementary affidavit. They are not previous convicts. Learned counsel for the applicants further submits that the applicants undertake 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 applicants are granted anticipatory bail, they 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. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

6. I have heard the rival submissions of both sides and perused the record.

7. 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.

8. 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.

9. Considering the settled principle 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 on merits, a case for anticipatory bail is made out.

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

(i) In the event of arrest of the applicants- **Dilshad and Nawab**, involved in the aforesaid case, they 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 Station House Officer of the police station concerned or the court concerned.

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

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

11. 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

applicants, before the concerned court.

(Vivek Kumar Singh,J.)

October 6, 2026
Radhika

Digitally signed by :-
RADHIKA VISHWAKARMA
High Court of Judicature at Allahabad