2026:AHC:212701

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10470 of 2026

Urmila Devi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Debee Shanker Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 43

HON'BLE SIDDHARTH, J.

Heard Sri Debee Shanker Pandey, learned counsel for the applicant and learned AGA for the State.

The instant anticipatory bail application has been filed on behalf of the applicant, **Urmila Devi,** with a prayer to release her on bail in **Case Crime No. 710 of 2017, under Sections 376, 506, 328, 342, 120-B IPC, Police Station- Sigra, District- Varanasi.**

Learned counsel for the applicant has submitted that the applicant has been implicated in this case by her tenant, Rashmi Devi. Initially, her husband was implicated in the case, but in the statement of the informant, applicant was also named as a conspirator in the commission of offence of rape against the informant.

Learned counsel for the applicant has further submitted that the applicant has been falsely implicated by the informant due to dispute between the landlord and the tenant. The applicant has no criminal history to her credit. The charge-sheet has already been submitted in this case. The applicant has a definite apprehension that she may be arrested by the police at any time.

Learned AGA has opposed the prayer for anticipatory bail of the applicant. He has submitted that in view of the seriousness of the allegations made against the applicant, she is not entitled to grant of anticipatory bail. The apprehension of the applicant is not founded on any

material on record. Only on the basis of imaginary fear anticipatory bail cannot be granted.

After considering the rival submissions this court finds that there is a case registered/about to be registered against the applicant. It cannot be definitely said when the police may apprehend her. After the lodging of FIR the arrest can be made by the police at will. There is no definite period fixed for the police to arrest an accused against whom an FIR has been lodged. The courts have repeatedly held that arrest should be the last option for the police and it should be restricted to those exceptional cases where arresting the accused is imperative or her custodial interrogation is required. Irrational and indiscriminate arrests are gross violation of human rights. In the case of ***Joginder Kumar v. State of Uttar Pradesh AIR 1994 SC 1349*** the Apex Court has referred to the third report of National Police Commission wherein it is mentioned that arrests by the police in India is one of the chief source of corruption in the police. The report suggested that, by and large, nearly 60 percent of the arrests were either unnecessary or unjustified and that such unjustified police action accounted for 43.2 percent of expenditure of the jails. Personal liberty is a very precious fundamental rights and it should be curtailed only when it becomes imperative. According to the peculiar facts and circumstances of the peculiar case the arrest of an accused should be made.

Hence without expressing any opinion on the merits of the case and considering the nature of accusations and antecedents of applicant, he is directed to be enlarged on anticipatory bail as per the Constitution Bench judgment of the Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98***. The future contingencies regarding anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

In the event of arrest, the applicant shall be released on anticipatory bail. Let the applicant involved in the aforesaid crime be released on anticipatory bail till the conclusion of trial on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

1. The applicant shall not leave the country during the pendency of trial without prior permission from the concerned trial Court.

2. The applicant shall surrender her passport, if any, to the concerned Court forthwith. Her passport will remain in custody of the concerned Court.

3. That 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 her from disclosing such facts to the Court or to any police officer;

4. The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.

5. In case, the applicant misuses the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of ***Sushila Aggarwal vs. State (NCT of Delhi)-2020 SCC Online SC 98.***

6. The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of her bail and proceed against her in accordance with law.

In default of any of the conditions, the Investigating Officer/Govt. Advocate/concerned court is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

(Siddharth,J.)

October 9, 2026
Ruchi Agrahari

Digitally signed by :-
RUCHI AGRAHARI
High Court of Judicature at Allahabad