HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10506 of 2026

Rahul Verma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Ajay Kumar Mishra, Santosh Kumar Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

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

2. The present application has been filed on behalf of the applicant in Case Crime No. 72 of 2026, under Sections 111(2)(B), 111(4) BNS, Police Station Civil Lines, District Meerut with a prayer to grant him anticipatory bail.

3. It is submitted by learned counsel for the applicant that initially two first information reports as Case Crime Nos. 166 of 2024 and 2 of 2025 were registered against the applicant and he remained in jail for a period of 6 months in connection with the aforesaid case crime numbers. When the applicant was released on bail in the aforesaid case crime numbers, present first information report against him was lodged on 29.3.2026 in order to nullify the earlier bail orders. It is further submitted that in the aforesaid case crime numbers, the allegations were similar in nature and again on the same allegation, present first information report has been lodged. It is further contended that in the present matter no evidence was collected by the investigating officer against the present applicant except the confessional statement of the co-accused in Case Crime No.2 of 2025. Criminal antecedent of three cases of similar nature has been explained in paragraphs 11 and 12 of the application. It is further submitted that the co-accused, namely, Yash Singh and Akshya Gupta have been granted

anticipatory bail by this Court vide orders dated 15.9.2026 in Criminal Misc. Anticipatory Bail Application u/s 482 BNSS Nos. 5467 of 2026 and 6700 of 2026 respectively.

4. Per contra, learned A.G.A. opposed the prayer and stated that custodial interrogation of the applicant is required in the present matter. He prays for and is granted three weeks time to file counter affidavit.

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

6. 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.

7. 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.

8. 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.

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

(i) In the event of arrest of the applicant-**Rahul Verma** involved in aforesaid case shall be released on anticipatory bail till the submission of police report under Section 193(3) BNSS, 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 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.

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 24, 2026
Lalit Shukla

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