HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10550 of 2026

Sanjiv And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anuj Kumar Gupta
Counsel for Opposite Party(s)	:	G.A., Lal Prabhakar Singh

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Anuj Kumar Gupta, learned counsel for the applicant, Sri Sangharsh, Advocate holding brief of Sri Lal Prabhakar Singh, learned counsel for the informant, learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicants in Case Crime No. 113 of 2026, under Sections 115(2), 352, 351(3), 110, 3(5) of B.N.S., Police Station - Junawai, District Sambhal, with a prayer to grant them anticipatory bail.

3. At the outset, learned counsel for the applicants submits that applicant no. 1- Sanjiv has been arrested by police, therefore, the present anticipatory bail application qua the applicant no. 1- Sanjiv has become infructuous and the same may be dismissed as having become infructuous.

4. Considering the statement of learned counsel for the applicant, the anticipatory bail application qua the applicant no. 1 Sanjiv is **dismissed** as having become infructuous. He is pressing the present anticipatory bail application for applicant nos. 2 and 3 only.

5. Learned counsel for the applicant nos. 2 and 3 submits that the applicant nos. 2 and 3 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 the applicants. It is further submitted that as per the prosecution case, co-accused persons caused injuries to injured Nitesh, however, he did not sustain any injury. When his statement was recorded by the investigating officer under Section 180 of B.N.S.S., he did not claim that he was medically examined. It is next submitted that role of causing injury by spade has been attributed to co-accused Satya Veer, however, as per the medical examination report of injured Smt. Gangawati, she sustained one lacerated wound over left side of face. The independent witnesses did not claim that co-accused Satya Veer was armed with spade. It is further submitted that no specific role of causing injury to the present applicant nos. 2 and 3, has been attributed by the informant or other independent witnesses. Apart from one lacerated wound, the injured Smt. Gangawati, sustained another injury which is abrasion over right elbow joint with redness around it. As a result of injury no. 1, Smt. Gangawati, sustained a fracture on her face. It is further submitted that no offence is made out against the applicant nos. 2 and 3 and they did not participate in the alleged offence. They have been falsely implicated being friend of co-accused Satya Veer. The applicant no. 2 and applicant no. 3, have no criminal antecedent to their credit. Learned counsel for the applicant nos. 2 and 3 further submits that the applicant nos. 2 and 3, 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 applicant nos. 2 and 3 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.

6. On the other hand, learned A.G.A. as well as learned counsel for the informant have opposed the application for anticipatory bail, however, they do not dispute the factual aspect.

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

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 nos. 2 and 3 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 nos. 2 and 3- **Raudas**, **Ram Nivash** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on their 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 concerned or the court concerned.

(ii) The applicant nos. 2 and 3 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 nos. 2 and 3 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 applicant nos. 2 and 3 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 nos. 2 and 3, before the concerned court.

(Vivek Kumar Singh,J.)

October 24, 2026
A.P. Pandey

Digitally signed by :-
ANAND PRAKASH PANDEY
High Court of Judicature at Allahabad