



2026:AHC:180175

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 7951 of 2026**

Akash Kumar Tiwari

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjay Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant and Learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case No.158 of 2025 (Akash Tiwari Vs. State), arising out of Case Crime No.400 of 2024, under Sections 75(1), 115(2) and 351(3) B.N.S., Police Station Machhalishahar, District Jaunpur, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.
3. Learned AGA has pointed out that the offences alleged against the applicant in the charge sheet do not, in the event of conviction, entail an imprisonment of more than seven years. Learned AGA has further pointed out that this Court while disposing of the Application U/S 528 BNSS No. 25645 of 2025 had granted interim protection of fifteen days to the applicant and had, on the request of the applicant, directed that his bail application shall be considered expeditiously in the light of the law laid down by the Supreme Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another (2022 SCC OnLine SC 825). Learned AGA states that as there is no apprehension of arrest, this application cannot be

entertained and is liable to be dismissed.

4. On being confronted with this fact, learned counsel for the applicant could not satisfactorily rebut the same.

5. This Court on 13.11.2025 in Application U/S 528 BNSS No. 25645 of 2025 filed by the applicant passed the following order:-

"1. Heard learned counsel for applicant and learned AGA appearing for the State.

2. This present application has been filed for seeking quashing of charge sheet dated 16.1.2025 and cognizance/summoning order dated 8.4.2025 as well as entire proceeding of Criminal Case no. 158 of 2025 (State vs. Akash Kumar Tiwari) arising out of Case Crime no. 400 of 2024 under sections 75(1), 115(2), 351(3) BNS, PS- Machhalishahar, District Jaunpur.

3. On perusal of the narration of FIR as well as impugned order and chargesheet, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned order along with chargesheet, can be set aside.

4. Accordingly, the prayer sought through the instant application, is refused.

5. Lastly, learned counsel for applicant has submitted that liberty may be granted to applicant to surrender before the court concerned and apply for bail to which learned AGA has no objection.

6. In view of the aforesaid, the instant application is finally disposed of with a direction to the court concerned that in case, the applicant surrender before the court concerned within a period of 15 days from today and apply for bail, his bail application shall be considered and decided expeditiously in accordance with law laid down in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another (2022 SCC OnLine SC 825).

7. However, it is made clear that till 15 days from today, no coercive action

shall be taken against applicant herein in pursuance of aforesaid case."

6. From the perusal of the record it appears that the applicant did not appear before the concerned Court and it has now been almost nine months. In the opinion of the Court, no apprehension of arrest arises. This application is not maintainable and is hereby ***dismissed***.

7. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

August 31, 2026

A. Pandey

(Rajiv Lochan Shukla,J.)