



2026:AHC:181177

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 6883 of 2026**

Aslam Ahmed

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandan Singh, Shailendra Ratan
Bhushan

Counsel for Opposite Party(s) : G.A., Raj Kumar Singh, Shailendra
Singh, Sudha Devi

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri Chandan Singh, learned counsel for the applicant, Sri R.K. Singh, learned counsel for the informant and learned A.G.A for the State and perused the record.
3. The present application has been filed on behalf of the applicant in Case Crime No. 142 of 2026, under Sections 109(1), 115(2), 351(3), 61(2) of B.N.S., Police Station - Shasni Gate, District Aligarh, with a prayer to grant him anticipatory bail.
4. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. The general and omnibus allegations have been levelled against three persons including the applicant. It is alleged in the F.I.R. that the injury was caused by the applicant. The alleged incident had taken place on 17.03.2026 at 19:00 hours, whereas the F.I.R. was lodged on 18.03.2026 at 02:00 hours. As per injury report of injured, no fracture was noticed on his body and his injuries were found to be simple in nature. It is further contended that Section 109(1) of B.N.S. was wrongly imposed upon the applicant in order to keep him behind the bar. In fact the case against the applicant would not travel

beyond Section 115(2) of B.N.S. Learned counsel for the applicant submitted that similarly situated co-accused Mohd. Anas has already been granted anticipatory bail by this Court vide order dated 09.07.2026 passed in Criminal Misc. NABAIL No.6397 of 2026. It is further submitted that the criminal history of one case has been explained in the supplementary affidavit. It is contended that the applicant has been acquitted in Case Crime No.186/2017, under Section 135 Electricity Act, Police Station Sasni Gate, District Aligarh. It is next contended that co-accused Asraf Ahmad has already been granted bail by the learned trial court vide judgment and order dated 10.04.2026, a copy of which has been appended alongwith supplementary affidavit. Learned counsel for the applicant further submits that the applicant undertakes 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 is granted anticipatory bail, he 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. as well as learned counsel for the informant have opposed the application for anticipatory bail and submitted that one more FIR was lodged against co-accused Ashraf Ahmad and Mohd Anas on 04.08.2026 in respect of alleged incident dated 21.07.2026. The FIR was registered as Case Crime No.350 of 2026, under Sections 126(2), 352, 115(2), 351(3) BNS, Police Station Sasni Gate, District Aligarh. The investigation in the aforesaid case is still pending. It is further submitted that the injury was caused to the injured and profuse bleeding was found on his person.

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 applicant 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 applicant- **Aslam Ahmed** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, before the competent Court on his/her 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;

(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 her/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.

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 applicant, before the concerned court.

(Vivek Kumar Singh,J.)

August 31, 2026

Nitendra