



2026:AHC:180650

JHIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8191 of 2026

Avesh @ Akash Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Rai, Vikas Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.206 of 2011, under Sections 147, 148, 149, 307, 34 I.P.C., P.S.- Colonelganj, District- Prayagraj, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.
3. Learned counsel for the applicant has contended that the applicant has been falsely nominated in the present case. The applicant was active in student politics and was a student leader, which led to his implication in this false case which involves firing on a police party which has resulted in no injury. The Learned counsel for the applicant has contended that the applicant has similarly been implicated in five other cases, all of P.S. Colonelganj, District Allahabad (now, District Prayagraj). The applicant is on bail in all the previous cases and one of the cases has also been quashed by this Court on the basis of a compromise executed between the parties.
4. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that the F.I.R. was registered on 11.05.2011. The charge sheet has been submitted on 09.12.2011 and the applicant has not appeared before the concerned Court till date. The Learned A.G.A. has further pointed out that non-bailable warrants are pending execution against the applicant since 10.09.2024 and as the applicant is absconding, he may not be considered for grant of anticipatory bail.

5. Rejoining the issue, the Learned counsel for the applicant has contended that the applicant is regularly appearing in the other cases, all from the same police station, before the concerned Courts at Prayagraj. There is no reason for the applicant to evade from appearing before the concerned Court in the present case. He further contends that although the charge sheet had been submitted on 09.12.2011, the cognizance was taken on 22.06.2013 and summons against the applicant were issued on 04.06.2015. He, relying upon the certified copy of the order sheet, now contends that although non-bailable warrants had been issued, but on 14.05.2026, bailable warrants have been issued.

6. I have considered the submissions made by the Learned counsels for the parties.

7. *Prima facie*, taking note of the order-sheet filed along with the affidavit, it appears that no satisfaction has been recorded by the concerned Court regarding service of summons. The applicant is stated to have been attending the Court proceedings in other cases lodged against him from the same police station. The applicant claims to be a student leader who has been falsely implicated by the police. *Prima facie*, taking note of the order sheet and also the fact that the applicant is not reportedly absconding in the other cases pending against him, this Court is satisfied that the applicant is not an absconder. On the facts of the case, the First Information Report has been lodged by a Sub-Inspector of Police against the applicant and certain other named accused. One accused is said to have been arrested from the spot and certain recoveries of country-made pistol and some live cartridges and a spent cartridge have been made from the co-accused. It is in his confessional statement that the name of the applicant has surfaced. The present case involves no injury.

8. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**.

10. In the event of the arrest of the applicant **Avesh @ Akash Singh**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each in the like amount to the satisfaction of the Station

House Officer of the police station/Court concerned with the following conditions:-

- i. the applicant shall make himself available for interrogation by a police officer as and when required;
- ii. 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 him from disclosing such facts to the Court or to any police officer;
- iii. that the applicant shall not leave India without the previous permission of the Court;
- iv. that the applicant shall not pressurize/intimidate the prosecution witness;

11. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

12. 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
Sachin

(Rajiv Lochan Shukla,J.)