



2026:AHC:168781

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7645 of 2026**

Anas And 2 Others

.....Applicant(s)

Versus

State Of U.P. Though It Principal Secretary
(Home) And Another

.....Opposite
Party(s)

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

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants 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. 69 of 2026, under Section 3/5/8 of U.P. Prevention of Cow Slaughter Act and Section 11(1)(1) of Prevention of Cruelty to Animals Act, Police Station Shahpur, District Muzaffarnagar with a prayer to grant them anticipatory bail.

3. Learned counsel for the applicants submits that the applicants 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 initially the FIR was lodged under Sections 61(2), 325 BNS, Section 11(1)(l) of Prevention of Animal Cruelty Act, Section 3/4/25 of Arms Act and Section 7 of Criminal Law Amendment Act. It is further submitted that earlier the applicants were arrested by the police on 21.3.2026 and they were released by the learned Magistrate vide order dated 30.3.2026 in Case Crime No. 69 of 2026, under Sections 61(2), 325 BNS, Section 11(1)(l) of Prevention of Animal Cruelty Act, Section 3/4/25 of Arms Act and Section 7 of Criminal Law Amendment Act. The applicants remained in jail for a period of more than nine days. After their release from jail Section 3/5/8 of Prevention of Cow Slaughter Act, 1955 was added by the Investigating Officer and Section

11(1)(l) has been converted into Section 11(1)(1) of Prevention of Animal Cruelty Act and now the Investigating Officer is trying to arrest the applicants in the same case crime though they have been granted bail by the learned court concerned. It is further submitted that the co-accused Tahir has been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 6.8.2026 in Criminal Misc. Anticipatory Bail Application No. 7305 of 2026. The applicants have no criminal antecedents to their credit. Now Section 3/5/8 BNS has been added and Section 11(1)(l) of Prevention of Animal Cruelty Act has been converted into Section 11(1)(1), the police are trying to arrest the applicants under the added section.

4. Learned counsel for the applicant has placed much reliance on the judgments of the Apex Court passed in case of **Bhadresh Bipinbhai Sheth vs. State of Gujarat & Another** reported in **2016 (1) SCC (Cri) 240** and **Manoj Suresh Jadhav & Ors. vs. The State of Maharashtra**, reported in **2018 SCC OnLine SC 3428**, wherein the applicant therein was enlarged on anticipatory bail in the added sections U/S 438 Cr.P.C. after being enlarged on regular bail U/S 439 Cr.P.C. Learned counsel for the applicant has also placed reliance on the judgment of this Court passed in **Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.9742 of 2021**, wherein the accused was enlarged on anticipatory bail after being granted regular bail. **He has further stated that the applicant does not have any criminal antecedents to his credit.** 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. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

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 applicants 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 applicants-**Anas, Asad** and **Shakib** involved in aforesaid case, they 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 applicants 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 applicants 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 them from disclosing such facts to the Court or to any police officer; and

(iv) The applicants 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 applicants, before the concerned court.

(Vivek Kumar Singh,J.)

August 12, 2026

Lalit Shukla