



2026:AHC:173735

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7845 of 2026**

Mohammad Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashi 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 Crime No.401 of 2023 under section 307, 504, 506 I.P.C., Police Station-Civil Lines, District Aligarh, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.
3. Learned counsel for the applicant has contended that the applicant is the husband of the informant. Due to a petty matrimonial dispute, a false first information report has been lodged by the informant making all sorts of frivolous allegations. The applicant had been granted interim protection by this Court in Criminal Misc. Writ Petition No. 20019 of 2023. After filing of the police report, the applicant had filed an Application Under Section 528 BNSS, No.8950 of 2025, in which this Court initially was pleased to grant an interim order in favor of the applicant and referred the matter for mediation. However, the amount fixed by the Court to be deposited in the mediation center could not be deposited by the applicant, which led to the interim order being vacated by this Court. The said application is still pending consideration of this Court. The applicant has a criminal history of one other case, which was also relating to the same matrimonial dispute with the informant. This is a no injury case and no offence under Section 307 IPC is made out.

4. Learned AGA has opposed the prayer for bail, however, could not dispute the factual submissions made by the Learned counsel for the applicant.

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

6. From the perusal of the first information report, it appears that the FIR has been lodged against the applicant and two others, including one named accused, Aslam Khan. It is a no injury case. The applicant had been granted interim protection by this Court in Criminal Misc. Writ Petition No.20019 of 2023. The proceedings for quashing of the charge sheet are pending consideration of this Court. The criminal history of the applicant also relates to matrimonial dispute. From the entire material on record, false implication of the applicant due to the matrimonial dispute between the applicant and the informant cannot be ruled out. Charge sheet has already been submitted and the applicant is no longer required for any custodial interrogation.

7. Taking into account the facts and circumstances of the case, I deem it appropriate to enlarge applicant on anticipatory bail.

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

9. In the event of the arrest of the applicant-**Mohammad Ali**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety 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;

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

11. 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.

(Rajiv Lochan Shukla,J.)

August 18, 2026

A. Pandey