



2026:AHC:174616

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7917 of 2026

Smt Dilawari And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vikrant Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicants, 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 applicants in Case Crime No. 177 of 2006, under Sections 420, 467, 468 I.P.C., P.S. - Swar, District- Rampur, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.
3. Learned counsel for the applicants has contended that the applicants are old aged persons. Primarily, a civil dispute has been given the colour of a criminal case. The applicants had challenged the entire proceedings in **APPLICATION U/S 482 No. 1850 of 2007**, in which this Court had stayed the further proceedings of the present criminal case. Learned counsel for the applicants has further contended that the FIR was lodged on the basis of an application under Section 156(3) Cr.P.C. and this Court in a criminal revision being **Criminal Revision No.2400 of 2006**, had been pleased to grant interim order of stay of arrest till the filing of a police report. The Learned counsel for the applicants has further submitted that the interim order continued till 6.8.2021, when the same was vacated by this Court after the application was dismissed for want of prosecution. The Learned counsel for the applicants has further contended that the applicants had no knowledge regarding the dismissal of their application and immediately, when they came to know regarding the dismissal of the application, they have approached the concerned Court

for seeking anticipatory bail as they want to join the trial and prove their innocence. The Learned counsel for the applicants has further submitted that applicant No. 2 is a 70 year old man and the applicant No. 1, who is his wife, is equally old.

4. Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that applicant No. 2 has a criminal history of 3 other cases, which has not been explained. He has also a criminal history of a case under Section 302 IPC, being Case Crime No. 152 of 1985, under Section 302 IPC P.S.- Swar, District Rampur. The applicant No. 2 is a repeat offender involved in heinous crimes including crimes under Sections 302 and 307 IPC and may not be considered for grant of anticipatory bail.

5. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

6. The applicants were granted interim protection from arrest during investigation. An interim order had operated in favour of the applicants till 6.8.2021. In the opinion of the Court, the applicant No. 1 who is a lady and is stated to be an old woman, after almost 20 years of the registration of the FIR, deserves to be released on anticipatory bail.

7. So far as the applicant No.2, is concerned, the case of the applicant No. 2, however, is distinguishable as he is the one who has sworn the affidavit before this Court and has chosen to give a false declaration with respect to his criminal antecedents. As the criminal antecedents of the applicant No. 2 were deliberately withheld by the him, in the opinion of this Court, no case for grant of anticipatory bail is made out.

8. This application so far as it relates to the **applicant No.2- Afsar Ali**, is hereby ***dismissed***.

9. 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 No.1 - Smt. Dilawari**, on anticipatory bail.

10. In view of the above, the anticipatory bail application of the **applicant No.1 - Smt. Dilawari** is **allowed**.

11. In the event of the arrest of the **applicant No.1 - Smt. Dilawari**, she 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 herself 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 her 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;

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

13. 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 19, 2026
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