



2026:AHC:176128

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 6391 of 2026**

Tara Devi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Amar Nath Tiwari

Counsel for Opposite Party(s) : G.A., Rayoof Ali, Sandeep Kumar
Yadav

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Counter affidavit filed by the learned A.G.A. is taken on record.
2. Heard learned counsel for the applicant, Sri Rayoof Ali, 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. 179 of 2026, under Sections 319(2), 318(4), 336(3), 338, 340(2), 61(2), 351(2) of B.N.S., Police Station - Sahjanwa, District Gorakhpur, with a prayer to grant her anticipatory bail.
4. On the last date i.e. 16.07.2026, time for filing counter affidavit was sought by the learned counsel for the informant, but no counter affidavit has been filed by him.
5. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. She has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. It is further contended that the applicant and her two sons had executed a sale deed in favour of the informant's mother on 02.04.2025. The applicant and the co accused Ganesh Yadav and Mahesh are co-tenure holders pursuant to the sale deed in question. The name of the informant has also been mutated in the revenue records. The allegation that has been made is that when the informant went on the spot to take possession of the property in question, his possession was resisted

by Ram Sumer, s/o Maja and showed the informant documents relating to title, which were more than thirty years old. The allegation further is that on an inquiry by the informant, it was found that no part of the property was registered in favour of the applicant and he had executed a fake sale deed in favour of the informant's mother by showing them a false and fabricated Khatuni. The applicant has no criminal history. It is further submitted that identically situated co-accused Ganesh Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.08.2026 in Crl. Misc. Anticipatory Bail Application U/S 482 B.N.S.S. No. 8381 of 2026. 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, she 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.

6. On the other hand, learned A.G.A. as well as learned counsel for the informant have opposed the application for anticipatory bail, however, they do not dispute the factual aspect.

7. I have heard the rival submissions of both sides and perused the record.

8. 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.

9. 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.

10. 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.

11. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicant- **Tara Devi** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on 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 or the court 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.

12. 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 20, 2026
A.P. Pandey