



2026:AHC:175395

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 6602 of 2026**

Saurav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vinod Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.
3. This is the second anticipatory bail application filed on behalf of the applicant in Case Crime No. 1171 of 2020, under Sections 307, 325, 323, 504 and 302 IPC, Police Station Khurja Nagar, District Bulandshahar, with a prayer to grant him anticipatory bail.
4. The first anticipatory bail application, being Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 10198 of 2025, was dismissed for want of prosecution by a Coordinate Bench of this Court vide order dated 04.05.2026.
5. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case; he 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 FIR was lodged on 05.12.2020 in respect of the alleged incident dated 16.11.2020. The FIR was lodged against the applicant, co-accused Pavan, Neeraj and Rajkumar as Case Crime No. 1171 of 2020, under Sections 307, 325 and 323 of IPC at Police Station Khurja Nagar, District Bulandshahr. The applicant was arrested by the police during the course of investigation on 21.01.2021 and he applied for bail. His bail application was allowed by a Coordinate Bench of this Court vide order dated 15.06.2021 passed in Criminal Misc. Bail

Application No. 15364 of 2021. It is further contended that the charge-sheet was submitted in this case on 28.01.2021 under Sections 307, 325, 323 and 504 IPC. However, after the death of the deceased, the Investigating Officer added Section 302 IPC. The learned trial court, on the basis of the supplementary report of the Investigating Officer, proceeded against the applicant under Section 302 IPC also. Co-accused Pavan and Rajkumar applied for anticipatory bail in the added Section 302 IPC. However, their anticipatory bail applications were rejected by the learned court concerned. They approached this Court, but the anticipatory bail application filed by co-accused Pavan was rejected by a Coordinate Bench of this Court vide order dated 12.12.2025 passed in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 8815 of 2025. Similarly, the anticipatory bail application of co-accused Rajkumar was rejected by a Coordinate Bench of this Court. It is further submitted that both co-accused Pavan and Rajkumar filed SLP (Crl.) Nos. 2030/2026 and 2264/2026, respectively, which were allowed by the Hon'ble Supreme Court by a common order dated 15.05.2026. It is further contended that, under the added Section 302 IPC, the Hon'ble Supreme Court has granted anticipatory bail to co-accused Pavan and Rajkumar vide order dated 15.05.2026. Therefore, it is prayed that the present anticipatory bail application of the applicant be also allowed in view of the order dated 15.05.2026 passed by the Hon'ble Supreme Court. The case of the applicant is identical to that of co-accused Pavan and Rajkumar. The criminal antecedents of two cases have been explained by the applicant in the supplementary affidavit. The investigation has been completed by the Investigating Officer, therefore, there is no requirement of custodial interrogation of the applicant.

6. 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. Learned counsel for the applicant lastly contended that the applicant

undertakes to cooperate during trial and shall appear as and when required by 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 trial, and shall abide by all the conditions that may be imposed by the court.

7. On the other hand, learned A.G.A. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

8. I have heard rival submissions of the learned counsel for the parties and perused the records.

9. In **Aman Preet Singh v. CBI, (2022) 13 SCC 764**, the Hon'ble Apex Court has held that :

"11. A reading of the aforesaid shows that it is the guiding principle for a Magistrate while exercising powers under Section 170CrPC which had been set out. The Magistrate or the Court empowered to take cognizance or try the accused has to accept the charge-sheet forthwith and proceed in accordance with the procedure laid down under Section 173CrPC. It has been rightly observed that in such a case the Magistrate or the Court is required to invariably issue a process of summons and not warrant of arrest. In case he seeks to exercise the discretion of issuing warrants of arrest, he is required to record the reasons as contemplated under Section 87 Cr.P.C that the accused has either been absconding or shall not obey the summons or has refused to appear despite proof of due service of summons upon him. In fact the observations in sub-para (iii) above by the High Court are in the nature of caution.

12. Insofar as the present case is concerned and the general principles under Section 170Cr.P.C, the most apposite observations are in sub-para (v) of the High Court judgment in the context of an accused in a non-bailable offence whose custody was not required during the period of investigation. In such a scenario, it is appropriate that the accused is released on bail as the circumstances of his having not been arrested during investigation or not being produced in custody are itself sufficient to entitle him to be released on bail. The rationale has been succinctly set out that if a person has been enlarged and free for many years and has not even been arrested during investigation, to suddenly direct his arrest and to be incarcerated merely because charge-sheet has been filed would be contrary to the governing principles for grant of bail. We could not agree more with this."

10. Hence, considering the settled principles 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 of the merits of the case, in my view, it is a fit case for anticipatory bail to the applicant till conclusion of trial in the matter.

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

(i) In the event of arrest of the applicant- **Saurav**, involved in the aforesaid case, he shall be released on anticipatory bail till the conclusion of trial, on his furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the court concerned.

(ii) The applicant shall co-operate during trial and shall report to the court concerned as and when required for the purpose of fair trial.

(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 him/her from disclosing such facts to the Court; 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 19, 2026
Radhika