



2026:AHC:171276

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8329 of 2026**

Lachiram

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashwani Tripathi, Ram Raj, Ramanuj
Tripathi

Counsel for Opposite Party(s) : G.A., Himanshu Mishra

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Ashwani Tripathi, learned counsel for the applicant, Sri Himanshu Mishra, learned counsel appearing for the informant and learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicant in Case Crime No. 143 of 2026, under Sections 80(2), 85 BNS and Section 3/4 of D.P. Act, Police Station Kosikalan, District Mathura with a prayer to grant him anticipatory bail.

3. 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. The alleged incident is said to have taken place on 9.3.2026, whereas the first information report was lodged after four days on 13.3.2026. The delay in lodging the first information report has not been satisfactorily explained by the prosecution. As per the prosecution case, the deceased was subjected to cruelty and harassment by the applicant, his elder son, Digamber (husband of the deceased) and others. However, after due investigation co-accused Satish, Kamla and Sagar were exonerated and no charge-sheet was submitted against them. The husband of the deceased has been apprehended by the police and he has been languishing in jail. It is further submitted that the applicant is an old man, about 82 years of age and he is suffering from several ailments including kidney disease and epilepsy.

To ascertain this fact, statement of Dr. Harvendra Singh Sangwan was recorded, who stated that the applicant remained in hospital from 17.5.2026 to 19.5.2026 and his condition is critical. It is further submitted by learned counsel for the applicant that the statement of the elder sister of the deceased was recorded, whose marriage was solemnized with the elder son of the applicant, who stated that no demand of dowry was ever made from her. It is further submitted that the marriage of two daughters of the informant was solemnized with two sons of the applicant. The elder daughter was never subjected to cruelty as per the allegation levelled in the first information report, however, false allegations were levelled in respect of demand of dowry from younger daughter of the informant. It is further submitted that the Investigating Officer collected evidence regarding ailment of the applicant and his old age. The investigation against the applicant is pending, however, charge-sheet has been submitted against the co-accused Digamber (husband of the deceased). No injury was noticed on the body of the deceased and as per viscera report, organophosphorus insecticides was found. 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.

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

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

6. 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.

7. 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.

8. 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.

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

(i) In the event of arrest of the applicant-**Lachiram** involved in aforesaid case 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 Station House Officer of the police station concerned or to 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 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.

10. 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 14, 2026

Lalit Shukla