



2026:AHC:177872

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5135 of 2026

Mohan Lal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Harikesh, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court, on 26.05.2026, passed the following order :

- "1. Heard Sri P.C. Srivastava, learned Senior Counsel, assisted by Sri Harikesh, learned counsel for the applicant, learned AGA for the State and perused the record.*
- 2. It is contended by learned AGA that instruction is not being received so far and seeks time.*
- 3. The learned counsel for applicant seeks interim anticipatory bail.*
- 4. The present application has been moved seeking anticipatory bail in Case Crime no.268 of 2025, under Sections 316(2), 336(3), 340(2), 318(4), 351(3), 338 BNS, P.S. Ahraula, District- Azamgarh.*
- 5. It is contended by learned counsel for accused-applicant that the accused-applicant has been falsely implicated during the investigation carried out in F.I.R. dated 11.07.2025 lodged by the informant with the allegation that he has transported the food grains through the truck, which was driven by the accused Jaipal Singh, named in the F.I.R., from Azamgarh to Haryana. The food grains items never reached Haryana. Further submits that during investigation, it is found that the accused-applicant was carrying the food grains on his truck. Learned Senior Counsel further submits that there is nothing concrete against the accused-applicant to show that it is the truck of the accused-applicant, which was being used for transportation of the food grains. The applicant*

has no criminal history. The accused-applicant wants to cooperate in the investigation, but apprehending arrest and hence, seeks interim anticipatory bail.

*6. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in (1980) 2 SCC 565, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in (2011) 1 SCC 694 and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in (2020) 5 SCC 1, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should consider the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.*

7. This Court considering the arguments, gravity of accusation and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial is of considered view to grant interim bail.

*8. The **applicant- Mohan Lal** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on interim anticipatory bail till the next date fixed on his furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with following conditions :-*

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

(v) The applicant shall ensure his presence before the Investigating Officer in view of interim anticipatory bail granted.

9. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

10. List this case on 21.08.2026.

11. Learned AGA is directed to obtain instructions by the next date. "

2. Today, when the case has been called on, the learned A.G.A. states that he has received instructions.

3. Heard learned counsel for the applicant; and learned A.G.A. for the State.

4. The learned counsel for the applicant has reiterated the submissions as recorded in the earlier order. The applicant has no criminal antecedents.

5. The learned AGA has opposed the prayer for grant of bail but has not disputed the fact that the applicant has no criminal antecedents.

6. I have considered the submissions made by the learned counsel for the parties.

7. The applicant is on interim anticipatory bail under the orders of this Court dated 26.05.2026. There is no allegation against the applicant of misusing the liberty granted to him. From the perusal of the material on record, it appears that the food grains in question were being transported through a truck which was being driven by Jai Pal Singh as per the FIR. The applicant was not named in the FIR. During investigation, it has been found that the applicant was the owner of the truck and was also the driver.

8. In view of the entire facts and circumstances of the case, as discussed above, in the opinion of the Court, a case for grant of anticipatory bail is

made out.

9. The anticipatory bail application of the applicant is **allowed**.

10. The interim anticipatory bail granted to the applicant is hereby confirmed. In the event of the arrest of the applicant- **Mohan Lal**, in the above mentioned case, he shall be enlarged on anticipatory bail, on the same terms and conditions, as fixed in the earlier order dated 26.05.2026.

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 21, 2026
Kushal