



2026:AHC:167643

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S  
482 BNSS No. - 7885 of 2026**

Shamshad

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : Surendra Mohan Mishra |
| Counsel for Opposite Party(s) | : G.A.                  |

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**Court No. - 72**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. Heard Sri Vikas Yadav holding brief of Sri Surendra Mohan Mishra, learned counsel for the applicant and learned A.G.A for the State and perused the record.

2. Supplementary affidavit filed today is taken on record.

3. The present application has been filed on behalf of the applicant in Case Crime No. 77 of 2026, under Sections 191(2), 191(3), 109(1), 115(2), 117(2), 352, 351(3), 333 BNS, Police Station Siddharth Nagar, District Siddharth Nagar with a prayer to grant him anticipatory bail.

4. 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. A total of eight persons including the present applicant have been nominated in the first information report dated 28.3.2026. The alleged incident had taken place on 27.3.2026, whereas the first information report was lodged after 24 hours. The delay in lodging the first information report has not been properly explained by the prosecution. It is further submitted that the main role of causing injury to the injured Sonu @ Imran by knife was attributed to the present applicant, however, when statement of the injured Sonu

@ Imran was recorded, he stated that the injury was caused by co-accused Tabrez. He further stated that the injury by stick was caused by the co-accused Tabrez due to which he sustained fracture on his hand. General and omnibus allegations have been levelled against the present applicant. It is further submitted that as per the injury report of injured Sonu @ Imran, he sustained a single incised wound on left side of upper lip. Apart from other injury, he sustained three lacerated wounds and two contused swelling and complaint of pain on his body. The role of causing fracture has also been attributed to the co-accused Tabrez. The injuries of the injured Saima and Shadab are simple in nature. It is further submitted that the main accused has been granted bail by co-ordinate Bench of this Court vide order dated 11.8.2026 in Criminal Misc. Bail Application No. 26731 of 2026. The applicant has no criminal antecedent to his credit. 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.

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

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

7. 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.

8. 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.

9. 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.

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

(i) In the event of arrest of the applicant-**Shamshad** 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.

11. 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.

**August 11, 2026**  
Lalit Shukla

**(Vivek Kumar Singh,J.)**