



2026:AHC:169817

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7958 of 2026**

Abul Kalam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sharique Ahmed
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Learned counsel for the applicant; and learned A.G.A. for the State are present.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 326 of 2020 under Section 3(1) U.P. Gangsters and Anti Social Activities (Prevention) Act 1986 (hereinafter referred to as 'the Gangsters Act'), Police Station-Kotwali Nagar, District-Mau, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the aforesaid case.
3. The learned counsel for the applicant states that the applicant has been falsely implicated in the present case. He seeks anticipatory bail on the following grounds :-
 - i) The applicant has been falsely implicated in the present case on the basis of a single base case mentioned in the gang chart and the applicant is on anticipatory bail in the said case.
 - ii) The applicant was initially not named in the FIR under the Gangsters Act, however, his name has been introduced in the supplementary gang chart.
 - iii) Apart from the base case mentioned in the gang chart, the applicant has no criminal antecedents.

iv) The applicant is an old man aged about 76 years.

v) Similarly situated co-accused Shairful Haque @ Haji Munmum @ Gungun has already been granted anticipatory bail by this Court vide order dated 06.08.2026 passed in NABAIL No. 7691 of 2026.

4. Learned A.G.A. has opposed the prayer for grant of anticipatory bail however, he could not dispute the factual assertions made by the learned counsel for the applicant.

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

6. The applicant is not named in the FIR. His name has surfaced in the supplementary gang chart prepared on the solitary base case. The applicant is on anticipatory bail in the solitary base case shown in the gang chart.

7. Taking into consideration the entire facts and circumstances of the case, as discussed above, this Court is of the *prima facie* opinion that the applicant has made out a case for grant of anticipatory bail.

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

9. In the event of the arrest of the applicant - **Abul Kalam**, involved in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing a personal bond and surety in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

i. The applicant shall make himself available for interrogation by a police officer as and when required;

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 from disclosing such facts to the Court or to any police officer;

iii. The applicant shall not leave India without the previous permission of

the Court;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

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 12, 2026

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