



2026:AHC:177675

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. -
4657 of 2026**

Sooraj

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mukesh Chandra Gupta, Shubham Prakash Gupta
Counsel for Opposite Party(s)	:	Amol Sharma, G.A., Laxmi Kant Bhatt

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Case has been called on in the revised call.
2. Sri Mukesh Chandra Gupta, the Learned counsel for the applicant and the Learned A.G.A. for the State are present.
3. None appears for the informant.
4. This Court on 21.05.2026 had passed the following order:-

"1. Heard Sri Shubham Prakash Gupta, 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. 0262 of 2026, under Sections 85, 115(2), 351(2), 109(1) BNS, P.S.- Kankerkheda, District- Meerut.

5. It is contended by learned counsel for accused applicant

that the accused applicant is the husband, who was married to the informant on 25.11.2020. The relation between the accused applicant and informant were strained. There was allegation in the FIR that the accused applicant was having illicit relation with another lady and due to that relation he wants to eliminate the informant. The incident is of the intervening night of 24/25.03.2026 when the victim was beaten up by the accused applicant and he tried to throttle her neck. Further submits that the injuries on the person of informant are simple in nature as is reflected from the medico legal examination report dated 25.03.2026 which shows three soft reddish abrasion on right side of neck, right side of chest and left forearm. These injuries do not demonstrate attempt to murder. The accused applicant has no criminal history. The accused applicant wants to co-operate in the investigation but apprehending arrest. 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 while 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- **Sooraj** 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 furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the 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 the 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 **14.08.2026**.*

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

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

6. Learned counsel for the applicant has reiterated the submissions as made and as recorded in the earlier order.

7. Learned A.G.A. has opposed the prayer for bail, however, could not dispute the factual submissions made by the learned counsel for the applicant.

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

9. The present case relates to a matrimonial dispute. The applicant is the husband of the informant. The injuries that have been sustained by the injured are simple in nature. From the perusal of the injury report and the material collected during investigation, *prima facie*, an offence under Section 109(1) of the BNS is not made out. The applicant is on interim anticipatory bail under the orders of this Court and is not stated to have misused the liberty so granted to him.

10. In view of the entire facts and circumstances, I deem it appropriate to confirm the interim anticipatory bail granted to the applicant.

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

12. In the event of the arrest of the **applicant - Sooraj**, he shall be released forthwith in the Case Crime No. 0262 of 2026, under Sections 85, 115(2), 351(2), 109(1) BNS, P.S.- Kankerkheda, District- Meerut, on anticipatory bail on the same terms and conditions as provided in the order dated 21.5.2026.

August 21, 2026
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(Rajiv Lochan Shukla,J.)