



2026:AHC:174609

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 8537 of 2026

Mohammad Najim

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Yadav, Satya Pal Singh, Sr.
Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Vijay Kumar, learned AGA-I for the State apprised the Court that he has received the instructions, therefore, instant anticipatory bail application may be finally disposed off.
2. Heard Sri Satya Pal Singh, learned counsel for the applicant and Sri Vijay Kumar, learned AGA-I for the State.
3. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 494 of 2019, under Sections 109, 147, 149, 332, 336, 427, 436, 188 IPC and Section 3/4 The Prevention of Damage to Public Property Act and Section 7 Criminal Law Amendment Act, Police Station Kotwali Sambhal, District Sambhal with a prayer to enlarge him on anticipatory bail during trial.
4. Learned counsel for applicant submits, however, this is third anticipatory bail application filed on behalf of applicant but his earlier two anticipatory bail applications have not been dismissed on merit.
5. He next submits, the first anticipatory bail application was dismissed by co-ordinate Bench of this Court on 29.07.2021 as not pressed and his second anticipatory bail application was dismissed for non prosecution.
6. He further submits, applicant is innocent and on the basis of false allegation he has been made accused in the present matter. He further submits, trial of the case is pending and however since 2020 warrants are

being issued against applicant but applicant is not an absconder. He next submits, applicant is having apprehension that if he will appear before the court concerned then he will be sent to jail.

7. He further submits, even all the other co-accused have been enlarged on bail and applicant is not having any criminal history. He further submits, therefore, considering above facts, applicant may be enlarged on anticipatory bail till conclusion of trial.

8. Per contra, learned AGA opposed the prayer for anticipatory bail and submits, this is third anticipatory bail application filed on behalf of applicant and however earlier two anticipatory bail applications of the applicant were not decided on merit but from the orders it is apparent that applicant was reluctant to argue before this Court and due to his reluctance earlier both anticipatory bail applications were dismissed.

9. Learned AGA further submits, even present matter is of the year 2019 and charge-sheet in the present matter has already been filed in the year 2020 and applicant instead of appearing before the court concerned filed instant third anticipatory bail application before this Court.

10. Learned AGA further submits, even from the record of the case it reflects, warrants are being issued against applicant. He further submits, even apart from the present case applicant is having criminal history of six other cases.

11. Learned AGA further submits, therefore, considering the facts of the case applicant does not deserve anticipatory bail, therefore, instant anticipatory bail application filed by the applicant may be dismissed.

12. I have heard learned counsel for the parties and perused the record of the case.

13. This is the third anticipatory bail application filed on behalf of applicant and however earlier two anticipatory bail applications of the applicant have not been decided on merit but even from the earlier orders passed by this Court it reflects, applicant was reluctant to press his earlier anticipatory bail applications on merit.

14. Further, even it reflects, present matter is of the year 2019 in which in the year 2020 charge-sheet has been filed and since then however about six

years have been passed but in spite of appearing before the court concerned applicant filed instant third anticipatory bail application.

15. Further, even it reflects, coercive measures are being taken against applicant and applicant is also having criminal history of six other cases.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on anticipatory bail.

17. Accordingly, without expressing any opinion on the merits of the case, the instant anticipatory bail application is **rejected**.

18. It is made clear that observations made while deciding instant anticipatory bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

August 19, 2026
AK Pandey

(Sameer Jain,J.)