



2026:AHC:53539

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2502 of 2026

Umme Habiba And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jitendra Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Jitendra Kumar Singh, learned counsel for the applicants, Shri O.P. Singh, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no.360 of 2025, under Sections 115(2), 352, 351(2), 110 of B.N.S., Police Station Naraini, District Banda, with the prayer that in the event of arrest, applicants may be released on bail.
3. It has been argued by the learned counsel for the applicants that applicants are innocent and they have been falsely implicated in this case. It is further submitted that initially, the first information report was lodged under Sections 115(2), 352, 351(2) of B.N.S. and during the course of investigation Section 110 of B.N.S. has been added. It is further submitted that no specific role has been assigned to any of the applicant and general and omnibus allegations have been levelled against the applicants. It is further submitted that the applicant was served a notice under Section 35(3) of BNSS and now the charge sheet in this case has already been submitted. It is further submitted that the applicants are ready and willing to cooperate in the trial. It is further submitted that the injuries of the injured Imtiyaz has been found to be depressed fracture, however, the same has not been attributed to the applicant. It is also submitted that the applicants are having no criminal history. It was also submitted that applicants undertake to co-operate during trial and they would appear as and when required by the investigating agency or Court. It has been stated that in case, applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will co-operate

with the investigation and would obey all conditions of bail.

4. On the other hand, learned AGA has also opposed the application for anticipatory bail.

5. Initially, the first information report was lodged under Sections 115(2), 352, 351(2) of B.N.S. and during the course of investigation Section 110 of B.N.S. has been added. No specific role has been assigned to any of the applicant and general and omnibus allegations have been levelled against the applicants. Applicants were served a notice under Section 35(3) of BNSS and now the charge sheet in this case has already been submitted and the applicants are ready and willing to cooperate in the trial. It is also submitted that the applicants are having no criminal history.

6. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

7. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, role of applicants and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

8. The anticipatory bail application is allowed.

9. In the event of arrest of the applicants - **Umme Habiba and Jameela Khatoon** involved in the aforesaid case crime shall be released on anticipatory bail on their furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

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

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

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

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

March 17, 2026
RKM

(Jitendra Kumar Sinha,J.)