



2026:AHC:57735

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2537 of 2026**

Mahesh And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Irshad Ahmad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Irshad Ahmad, holding brief of Sri Moh. Nashid. learned counsel for the applicants, Shri Uma Shankar Mishra, A.G.A. for the State and perused the record.

2. The present application has been moved seeking anticipatory bail in Case Crime no. 03 of 2021, under Sections 308, 323, 504 of IPC, Police Station Bahjoi, District Sambhal, with the prayer that in the event of arrest, applicant may be released on bail.

3. It is contended by learned counsel for the applicants that the First Information Report was initially lodged under Sections 325, 323, and 504 of the IPC against the applicants. In the FIR, only general allegations have been assigned to all the applicants, stating that they assaulted the informant. Subsequently, the Investigating Officer added Section 308 of the IPC on the basis of a supplementary report, while Section 325 IPC was omitted. It is further submitted that no specific role has been attributed to any of the applicants. Moreover, none of the injuries sustained by the victim have been found to be dangerous to life, except for one injury involving a fracture, which by itself does not attract the ingredients of Section 308 IPC. It is also submitted that the applicants are having no criminal history. It was also submitted that applicants undertakes 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 A.G.A. submits that he has not recieved instruction as yet.

5. Initially, the First Information Report was lodged under Sections 325, 323, 504 of the IPC. However, during the course of investigation, Section 308 of the IPC has been added and Section 325 has been omitted. It is further submitted that no specific role has been assigned to any of the applicants, and the injured has sustained one linear fracture on his head.

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 applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

9. In the event of arrest of the applicants- **Mahesh, Omkar, Kanhaiyya and Vikas** involved in the aforesaid case crime shall be released on interim anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned **till 15.04.2026** 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.

11. List this case on **15.04.2026, as fresh.**

12. Learned AGA is directed to obtain instructions by the next date fixed.

(Jitendra Kumar Sinha,J.)

March 17, 2026
Neetu