



2026:AHC:56414

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1696 of 2026**

Nishu @ Bhuvnesh Swaroop

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Lalit Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Supplementary Affidavit filed today is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case No.285 of 2026 arising out of Case Crime No.514 of 2025, under Section 115(2), 352, 351(2), 127(2), 131, 333, 105 BNS, Police Station- Goverdhan, District Mathura, with a prayer to enlarge him on anticipatory bail.
4. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case. He states that a delayed FIR has been lodged on 11.10.2025 regarding an incident said to have taken place on 26.09.2025. Initially, the FIR was lodged for offences under Sections 115(2), 352, 351(2), 127(2), 131, 333, 103(1), 191(2) BNS; however, after investigation, the case has been converted to one under Section 105(1) BNS. Learned counsel for the applicant further states that although the applicant has been named in the FIR, no specific role of causing any fatal injury to the deceased has been assigned to him. He further submits that the postmortem examination report shows injuries on the non-vital part; however, in the brain, a sub dural haematoma size 2cm x 1 cm was found over fronto parietal part of skull and the cause of death that has been opined is hypovolemic shock. The deceased has died on 10.10.2025

after he had returned home, being discharged from the hospital where he was being treated.

5. Learned counsel for the applicant further states that the applicant has a criminal history of two cases involving minor offences and is not a previous convict. The similarly situated co-accused Hemesh has been granted regular bail by this Court in Criminal Misc. Bail Application No.5353 of 2026 vide order dated 23.02.2026. The case of the applicant stands on a similar footing.

6. Learned AGA has opposed the prayer for bail and has submitted that the applicant has been specifically named in the FIR. The deceased has died as a result of the injuries sustained in the incident. He, however, does not dispute the explanation given by the applicant with respect to the previous criminal cases. He has stated that non bailable warrants have been issued against the applicant on 17.12.2025 and as such, no indulgence may be accorded to him.

7. Learned counsel for the applicant states that he had moved his anticipatory bail application for the offences including offence under Section 103(1) BNS and his anticipatory bail application got dismissed on 02.12.2025, however, in the meantime the case was converted under Section 105(1) BNS for which another anticipatory bail application was moved, which was lastly rejected on 03.02.2026. Therefore, he contends that the applicant is not an absconder and had approached the Court seeking protection from his false implication.

8. I have heard the Learned counsel for the applicant and Learned AGA.

9. The Supreme Court in ***Asha Dubey vs. State of Madhya Pradesh 2024 SCC OnLine 5633*** in paragraph 8 has noted and opined as thus:

"Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the Cr.P.,C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail"

10. In the opinion of the Court, the applicant was availing the remedies available to him and it is in the meantime that non bailable warrants have

been issued. The applicant may not be considered to be an absconder.

11. A perusal of the first medical examination report dated 26.09.2025, which has been produced before this Court by the Learned AGA, indicates that the deceased has not sustained any head injury. The relevant part of the first medical examination report dated 26.09.2025 is reproduced herein below:-

"(1) Lacerated wound of Size 2 cm x 0.5 cm over thumb web of Lt. hand with blood and swelling with tenderness present.

(2) Lacerated wound of size 0.1 cm x 0.1 cm over base of index finger of Lt. hand with fresh blood present.

(3) Complaint of pain and swelling over left knee. Tenderness present.

(4) Complaint of pain over Lt. Forearm"

12. It is the version of the FIR itself that the deceased was treated in the hospital from 26.09.2025 to 03.10.2025. He is said to have died on 10.10.2025. The cause of death has been opined to be hypovolemic shock. Prima facie, it appears to this Court that the injuries mentioned in the first medical examination report dated 26.09.2025 do not correspond to the cause of death as opined in the postmortem examination report. The similarly situated co-accused has been granted bail by this Court.

13. Taking into consideration the entire facts and circumstances of the case and the excessive delay in lodging of the FIR, I deem it appropriate to enlarge the applicant on anticipatory bail.

14. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

15. In the event of the arrest of the applicant- **Nishu @ Bhuvnesh Swaroop**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and two sureties each 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. that 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. that the applicant shall not leave India without the previous permission of the Court;
- iv. that the applicant shall not pressurize/intimidate the prosecution witness;

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

17. 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.)

March 19, 2026
A. Pandey