



2026:AHC:57618

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1719 of 2026**

Kaushal Tiwari

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Pandey, Sheshadri Trivedi
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Shri Ajay Kumar Pandey, learned counsel for the applicant, Shri B.P. Maurya, learned A.G.A. for the State and perused the record.
3. The present application has been moved seeking anticipatory bail in Case Crime no.22 of 2026, under Sections 109(1), 115(2), 352 of B.N.S., Police Station Badagaon, District Varanasi, with the prayer that in the event of arrest, applicant may be released on bail.
4. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that general allegations have been levelled against the applicant and co-accused Prince Kumar Singh has already been granted anticipatory bail by this Court vide order dated 18.03.2026 passed in Criminal Misc. Anticipatory Bail Application U/s 482 BNSS No.2011 of 2026. It is also submitted that the applicant is having criminal history, which has been explained in the memo of application. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

5. On the other hand, learned A.G.A. has opposed the application for anticipatory bail.

6. Co-accused Prince Kumar Singh has already been granted anticipatory bail by this Court vide order dated 18.03.2026 passed in Criminal Misc. Anticipatory Bail Application U/s 482 BNSS No.2011 of 2026. No specific role has been assigned to the applicant. As per first information report, applicant and other co-accused persons are said to have assaulted the first informant, side, as a result of which, first informant has received some grievous injuries in the alleged incident. It is also submitted that the applicant is having criminal history, which has been explained in the memo of application.

7. 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.

8. 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. The anticipatory bail application is allowed.

10. In the event of arrest of the applicant- **Kaushal Tiwari** involved in the aforesaid case crime shall be released on 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, 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.

11. 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 applicant.

(Jitendra Kumar Sinha,J.)

March 20, 2026

RKM