



2026:AHC:62818

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2721 of 2026**

Waseem And Another

.....Applicant(s)

Versus

State Of Up And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Anjali Singh Tomer, Inder Pal Singh
Tomar

Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Mr. I.P. Singh Tomar, learned counsel for the applicants, Mr. Chandra Shekhar Saran, 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. 93 of 2026, under Sections 109(1), 352, 3(5) of B.N.S., Police Station Kwarsi, District Aligarh, 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 applicants that applicants are innocent and he has been falsely implicated in this case. It is further submitted that no one has received injuries in the alleged incident by fire arm and no specific role has been assigned to the applicant. 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.
5. On the other hand, learned A.G.A. has opposed the application for

anticipatory bail.

6. As per the FIR, four persons including the applicant are said to have attacked first informant, however, no one has received any injury. No specific role has been assigned to the applicant.

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 applicants 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 applicants- **Waseem** and **Babu** involved in the aforesaid case crime shall be released on anticipatory bail on 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.

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 applicants.

(Jitendra Kumar Sinha,J.)

March 20, 2026

Virendra