



2026:AHC:66537

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 2944 of 2026

Satyajeet

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Indra Dev
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in S.S.T.No.95 of 2020 (State Vs. Satyajeet) arising out of Case Crime No.787 of 2017 under Section 363 of I.P.C., and Section 7/8 of POCSO Act, Police Station Bisarakh, District Gautambudh Nagar, with the prayer that in the event of arrest, applicant may be released on bail.
3. Learned counsel for the applicant has contended that in the instant matter, charge sheet was submitted in the year 2018 and by the efflux of time, the trial began in which the statement of the victim has been recorded as P.W.1. and before the trial Court, the victim has stated that the accused persons including the applicant has not committed any offence. Learned counsel for the applicant has further contended that the applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, inspite of the fact that there is no credible evidence against him. Learned counsel has further contended that the 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, the 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.

4. Learned A.G.A. has opposed the application for anticipatory bail and argued that non-bailable-warrant is running against the applicant since long, therefore the applicant is not entitled for anticipatory bail.

5. In reply to the aforesaid submissions, learned counsel for the applicant has argued that in the even if the process under Section 82 Cr.P.C. is issued, 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. In support of his contentions, learned counsel has placed reliance upon a reported decision of Hon'ble Apex Court in the matter of **Asha Devi Vs. State of Madhya Pradesh** (Criminal Appeal No. 4564 of 2024, decided on 12.11.2024). Reliance has been paragraph nos. 6 to 9 of the aforesaid judgement, which reads as under:-

"6. The relationship between the appellant and the deceased is not in dispute. Admittedly, the son of the appellant has been arrested and he is still in custody. It is incorrect to state that pursuant to the interim protection granted, the appellant was not cooperating in the investigation and in fact despite communication sent by the appellant to investigating authority, the investigating authority has not called her for joining the investigation.

7. Considering the facts and circumstances of the case, we are of the view that the custodial interrogation of the appellant is not required.

8. 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.

9. When the liberty of the appellant is pitted against, this Court will have to see the circumstances of the case, nature of the offence and the background based on which such a proclamation was issued. Suffice it is to state that it is a fit case for grant of anticipatory bail, on the condition that the appellant shall cooperate with the further investigation. However, liberty is also given to the respondents to seek cancellation of bail that has been granted, in the event of a violation of the conditions which are to be imposed by the Trial Court or if there are any perceived threats against the witnesses."

6. The Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre v. State of Maharashtra**, (2011) 1 SCC 694, has held 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, nature of accusation, role of applicant and all attending facts and circumstances of the case and considering the above proposition of law laid down by Hon'ble Apex Court in the case of Asha Dubey (supra) that it is not as if in all cases that there will be a total embargo on considering the application for grant of anticipatory bail as here in the present case at the time when certain processes were issued against the applicant she was in family way and was unable to appear before the court concerned, this Court finds it a fit case for grant of anticipatory bail.

8. The anticipatory bail application is **allowed**.

9. In the event of arrest of the applicant **Satyajeet** involved in the aforesaid case crime shall be released on anticipatory bail till conclusion of trial on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the concerned Court subject to the following conditions :-

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear before the trial Court on each and every dates fixed.
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) 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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

March 26, 2026

S.Ali