



2026:AHC:58320

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2427 of 2026**

Ajij Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ravi Sonkar, Santosh Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.29 of 2022, under Sections 376, 377, 354, 498-A, 323, 504, 506 IPC and Section 3/4 D.P. Act, Police Station- Mahila Thana, District Banda, with a prayer to enlarge him on anticipatory bail, during the pendency of trial.
3. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He submits that the applicant is the husband of the informant. During the investigation, a final report was submitted by the Police, which was also accepted by the concerned Magistrate vide order dated 11.03.2024. It is thereafter that a protest petition appears to have been filed on which orders for further investigation have been made and the police is now seeking to arrest the applicant. The applicant has no criminal antecedents.
4. Learned AGA has opposed the prayer for bail and has stated that the applicant, being the husband of the victim, is the primary accused in the present case and non bailable warrants have been issued against the applicant as he is not cooperating with the investigation.
5. I have considered the submissions made by the Learned counsels for the parties.

6. 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"

7. In the present case, a final report had been submitted and also accepted by the Magistrate on non-appearance of the informant. Therefore, issuance of NBWs in the opinion of the Court does not disentitle the applicant from consideration of his prayer seeking anticipatory bail.

8. Prima facie, from the perusal of the material on record, the statement of independent witnesses, and also the statement of the victim recorded during the investigation, it appears that there was some matrimonial dispute between the husband and wife. In the second statement under Section 161 Cr.P.C. of the victim, it appears that the victim has told the police that she had levelled certain allegations against her brother-in-law of molestation and rape, which were made on the instigation of certain persons. It also appears that there was some compromise that had taken place between the parties. A final report had been submitted. The matter pertains to the year 2022 and the applicant is being sought to be arrested in further investigation.

9. Taking into account all the above-mentioned facts and the fact that the applicant has no criminal antecedents, the dispute appears to be a matrimonial dispute, I deem it appropriate to grant anticipatory bail to the applicant.

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

11. In the event of the arrest of the applicant-**Ajij Khan**, 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;

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

13. 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 20, 2026
A. Pandey