



2026:AHC:65339

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 2436 of 2026

Mohd Shahnawaz

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sachin Malik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Sachin Malik, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The present application has been filed by the applicant seeking bail in anticipation of his arrest in Case Crime No.427 of 2025, under Sections 308(5), Police Station Brhampuri, District Meerut.
3. Contention of learned counsel for the applicant is that the applicant and the first informant were doing business together and during business transactions first informant transferred Rs. 1 lac in the account of the applicant. Subsequently, dispute arose between them which resulted into scuffling between them, thereafter the FIR was lodged on 25.09.2025 regarding that incident, thereafter on the next day as a counterblast, the first informant lodged the present FIR on 26.09.2026, which is nothing but is a counterblast and abuse of process of the Court. It is further submitted that the applicant has not committed any offence. It has been lastly submitted that in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate during investigation and would obey all

conditions of bail.

4. Learned A.G.A. has opposed the prayer for anticipatory bail and submitted that the investigation is still pending and material against the applicant is yet to be collected. Therefore, the applicant may not be granted anticipatory bail.

5. Thus, without expressing any opinion on the merits of the case and considering the nature of accusations, gravity of offence and antecedents of applicants, as well as the fact that the mother-in-law of the applicant has lodged the FIR against the first informant prior to the present FIR, this Court is of the view that the applicant is entitled to get anticipatory bail till submission of charge sheet under Section 193 BNSS as per the Constitution Bench judgment of the Apex Court in the case of **Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98**.

6. In the event of arrest, the applicant **Mohd. Shahnawaz** involved in the aforesaid crime be released on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the investigating officer concerned with the following conditions:-

(i) The applicant shall make himself available for interrogation by a police officer as and when required;

(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 from disclosing such facts to the Court or to any police officer;

(iii) The applicant shall not leave India without the previous permission of the Court;

(iv) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation.

(v) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of anticipatory bail.

8. With the aforesaid observations/directions, the application stands **disposed of**.

March 28, 2026

CS/-

(Arun Kumar Singh Deshwal,J.)