



2026:AHC:65238

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2169 of 2026**

Shakuntala

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ramjee Yadav, Somendra Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

1. Heard learned counsel for the applicant, Sri Arimardan Yadav, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime No. 375 of 2025, under Sections 109(1), 115(2), 351(3), 352 of BNS, Police Station Atrauliya, District Azamgarh, with the prayer that in the event of arrest, applicant may be released on bail.
3. It has been argued by the learned counsel for the applicant that applicant is innocent and she has been falsely implicated in this case. It is further submitted that the FIR has been registered after five days of the alleged incident of which no satisfactory explanation has been submitted. He submits that the applicant has been falsely implicated in the present case due to civil and revenue litigation between the family of the applicant and informant. He submits that no specific role has been assigned to the applicant in the aforesaid crime. He submits that the applicant is having no criminal history to her credit. He submits that there is no independent witness of the alleged offence. It was also submitted that applicant undertakes to co-operate during trial and she would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, she shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. On the other hand, learned A.G.A. has opposed the application for anticipatory bail but could not dispute the submissions raised by learned counsel for the applicant.

5. 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.

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

7. In the event of arrest of the applicant **Shakuntala**, involved in the aforesaid case crime shall be released on anticipatory bail on her 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 she 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.

8. 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.

March 28, 2026
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(Ashutosh Srivastava,J.)