



2026:AHC:60466

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 2215 of 2026**

Arasad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rahul Gaur
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court on 27.2.2026 passed the following order:-

"1. At the outset, learned A.G.A. has pointed out that he has not received instructions.

2. Learned counsel for the applicant states that matter is urgent and he may be heard for grant of interim relief.

3. Learned counsel for the applicant states that the applicant was named in the First Information Report, however he was exonerated during investigation. He was not named in the statement under Section 164 Cr.P.C. of the alleged victim. It is during trial that the applicant has been summoned under Section 319 Cr.P.C. The accused facing trial Abdul S/o Sardar has been granted regular bail vide order dated 09.07.2020 by the learned Additional Sessions Judge, Court No. 3, Mathura. The applicant did not receive any summons post his summoning under Section 319 Cr.P.C. and now non-bailable warrants have been issued.

4. Learned A.G.A. is unable to dispute the submissions made by learned counsel for the applicant and prays that he may be granted some time to obtain instructions.

5. Put up as **fresh** on **24.03.2026**.

6. In the meantime, learned A.G.A. shall obtain instructions.

7. Till the next date of listing, in the event of arrest of the applicant-**Arasad** involved in Case Crime No. 100 of 2020 under Section 376(D), 452 IPC, Police Station-Koshikala, District- Mathura, he shall be released on interim anticipatory bail on his 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 not tamper with evidence and that he 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.

(v) That the applicant shall not pressurize/intimidate the prosecution witness;

8. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant."

2. Today, when the case has been called on, the Learned A.G.A. submits that he has received the instructions in the matter.

3. The Learned counsel for the applicant has reiterated the submissions made before this Court as recorded in the order dated 27.2.2026.

4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of anticipatory bail and has submitted that although the name of the applicant has not been mentioned in the statement recorded under Section 164 Cr.P.C., however, in the statement recorded under Section 161 Cr.P.C., allegation have been made against the applicant of committing rape upon the victim. After recording the statement under Section 164 Cr.P.C, a statement under Section 161 Cr.P.C. of the victim was recorded, in which she has affirmed the earlier allegations as recorded earlier under Section 161 Cr.P.C. He, however, does not dispute the fact that the applicant was taken out of the investigation and similarly situated co-accused Abdul, s/o Sardar has been granted bail by the Learned Additional Sessions Judge, Court No.3, Mathura vide its order dated 09.07.2020. The Learned A.G.A. has further submitted that the applicant has a criminal history of one case being Case Crime No.746 of 2018, under Sections 323, 504 & 506 I.P.C., Police Station- Kosikala, District- Mathura. He submits that this previous case has not been explained by the applicant.

5. Rejoining the issue, the Learned counsel for the applicant has stated that the applicant has no knowledge regarding the pendency of the above-mentioned case and even otherwise, the same relates to Magistrate triable offences, punishable with a maximum imprisonment of seven years. He submits that this may not dis-entitle the application for grant of anticipatory bail by this Court.

6. I have considered the submissions made by the Learned counsels for the parties and perused the material brought on the record.

7. The applicant though named in the First Information Report,

was not named in the statement recorded under Section 164 Cr.P.C. The applicant was taken out of the investigation and has been summoned under Section 319 Cr.P.C. The co-accused, who was facing trial has been granted regular bail by the Learned Additional Sessions Judge, Court No.3, Mathura vide its order dated 09.07.2020. The criminal history of the applicant involves a solitary case, which is punishable with a maximum imprisonment of seven years. The applicant is not stated to have violated the liberty of the interim anticipatory bail granted to him by this Court vide its order dated 27.2.2026.

8. The statements of P.W.-1, P.W.-2 and P.W.-3 i.e. the informant and the victim, have already been recorded and it is only thereafter that the applicant has been summoned.

9. Taking into account the entire facts and circumstances of the case as mentioned above, statement of the witnesses recorded during trial, also the fact that the applicant had not misused the interim anticipatory bail granted to him and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

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- Arasad**, he shall be released forthwith in Case Crime No. 100 of 2020 under Section 376(D), 452 IPC, Police Station-Koshikala, District-Mathura 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.

March 24, 2026

Sachin

(Rajiv Lochan Shukla,J.)