



2026:AHC-LKO:20115

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL CANCELLATION
APPLICATION No. - 1 of 2026**

X The Compl. Thru. Sho P.S. Kotwali Dist. Unnao
In Case Crime No. 308/2025

.....Applicant(s)

Versus

Nisha And Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Narayan Datt Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard the learned counsel for applicant, the learned A.G.A. for the State and perused the record.

2. The present application has been filed seeking cancellation of anticipatory bail granted on an ad-interim basis by this Court vide order dated 18.09.2025, which was subsequently confirmed vide order dated 31.10.2025 passed in Criminal Misc. Anticipatory Bail Application No. 1307 of 2025 (Nisha Vs. State of U.P. and another).

3. The order dated 18.09.2025 is extracted herein under :-

" Vakalatnama filed by Shri Ratnesh Kumar Rawat, learned counsel for the complainant, is taken on record. His name shall be shown in the cause list as counsel for the complainant (opposite party no.2) when the case is next listed.

Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the complainant.

The present anticipatory bail application has been filed seeking anticipatory bail in F.I.R./Case Crime No. 308 of 2025 under Sections 74, 115 (2), 352, 351 (3), 127(4), 70(1), 3(5), 296 BNS, 2023, Police Station Kotwali, District Unnao.

In the prosecution case it is alleged that the applicant, who is the mother of the informant, is having an illicit relationship with the co-accused Arvind, who is the real uncle of the informant. It is further alleged that her mother always pressured her to establish illicit physical relations with her uncle. When she opposed, the applicant is alleged to have tortured and harassed her. She has been subjected to physical and mental torture by the

named accused persons. It is also alleged that she left her home on 18.10.2024 and started living in a rented room. However, the applicant, along with the co-accused, forcibly brought her back from there and kept her confined for 17 days in the house of co-accused Sharad Dwivedi, where she was subjected to mental and physical torture as well as exploitation.

Learned counsel for the applicant submits that prior to the present case, FIR No. 081 of 2024 was lodged by the brother of the victim, Utkarsh Agnihotri, under Sections 109, 115(2), 352, 351(3) BNS, in which a charge-sheet has already been filed and the trial has commenced. It is further submitted that Rohit Soni, the fiancé of the informant, is in jail in connection with the aforesaid case for a heinous offence. Learned counsel points out that a detailed report was sent by the Additional Superintendent of Police, Unnao, to the Secretary, U.P. Government, wherein it has been opined that the present applicant has been falsely implicated with a view to get FIR No. 821 of 2024 cancelled.

It is further submitted that during medico-legal examination of the victim, no abnormality was found. The allegation of confining the victim for 16?17 days has also been found false, as is evident from the inspection report of the Investigating Officer, which is on record. The said report indicates that due to the newly constructed nature of the house, except the main gate, there are no doors in any of the rooms, making the allegation of confinement untenable. The applicant has no criminal history.

Learned A.G.A. as well as learned counsel for the complainant, have opposed the bail prayer and prayed for two weeks? time to file a counter affidavit.

Perused the record.

On due consideration to the FIR No.081 of 2024; report sent by ASP Unnao; the applicant has no criminal history; submissions advanced; perusal of the record, as an interim measure, relying upon the law laid down in Sushila Aggarwal and others v. State (NCT of Delhi) and another, (2020) 5 SCC 1, this Court finds it appropriate to grant interim anticipatory bail to the applicant.

Accordingly, till the next date of listing, it is directed that in the event of arrest, the applicant Nisha shall be released on interim anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the arresting officer/Investigating Officer/S.H.O. concerned.

The applicant shall report to the Investigating Officer within twenty days from today, cooperate in the investigation, and shall not influence any witness. She shall remain present as and when required by the Investigating Officer/arresting officer/S.H.O. for investigation or interrogation. The applicant shall not leave India without prior permission of the Court.

In case of default, it shall be open to the Investigating Agency to move an appropriate application for vacation of this interim protection.

List/put up this case on 31.10.2025.

In the meantime, learned A.G.A. as well as learned counsel for the complainant shall file their counter affidavit."

4. The order dated 31.10.2025 passed by this Court is reproduced herein below:-

"1. Heard learned counsel for the applicant; learned AGA for the State and perused the records.

2. The present application under Section 438 Cr.P.C. was filed seeking anticipatory bail apprehending arrest in F.I.R./Case Crime No. 308 of 2025 under Sections 74, 115 (2), 352, 351 (3), 127(4), 70(1), 3(5), 296 BNS, 2023, Police Station Kotwali, District Unnao.

3. It is argued that the applicant was granted the benefit of ad-interim anticipatory bail on 18.09.2025.

4. Sri Rantesh Kumar Rawat has put in appearance on behalf of the informant. It is not denied that the applicant has misused the benefit of ad-interim anticipatory bail granted to him.

5. In view thereof, the ad-interim anticipatory bail granted vide order dated 18.09.2025 is confirmed till conclusion of the trial subject to the applicant cooperating with the investigation/trial and furnishing bond to the satisfaction of the IO and sureties to the satisfaction of the trial court concerned, if required. 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 or tamper with the evidence. The applicant shall not leave India without the previous permission of the Court.

6. Thus, the present application for anticipatory bail is accordingly allowed."

5. Learned counsel for the applicant referred to the grounds taken in the present application to cancel the anticipatory bail granted to opposite party No. 1 vide order dated 31.10.2025, quoted above, and has submitted that it is a fit case for cancellation of bail.

6. The grounds taken in this application are extracted herein under:-

"(i) the opposite party no.1/accused has intimidated and threatened the applicant/complainant to withdraw the case.

(ii) the opposite party no.1/accused has contacted and influenced the witnesses to alter their statements.

(iii) the opposite party no.1/accused has failed to cooperate with the Investigation Officer and has obstructed the fair investigation.

(iv) the opposite party no.1/accused has continued to reside near the applicant/complainant's house, causing mental trauma and constant fear to the victim."

7. Upon due consideration of the aforesaid as also the observations made by the Hon'ble Apex Court in the Case of **Himanshu Sharma Vs. State of Madhya Pradesh; 2024 SCC OnLine SC 187**, this Court finds no force in the instant application to cancel the anticipatory bail granted to opposite party no.1 for the reason(s) that allegations related to threatening/influencing the witnesses and co-operation in investigation is bald and vague as in support thereof no cogent material has been placed.

8. Accordingly, the instant application is ***rejected***.

(Saurabh Lavania,J.)

March 19, 2026

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