



2026:AHC-LKO:20805

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1973 of 2025**

Avneesh Tiwari

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko.
And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ratan Gupta, Deepak Kumar, Devendra Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. As per office report dated 20.03.2026, notice has personally been served upon the respondent no. 2 but neither any counsel has put in appearance on behalf of respondent no. 2 nor the respondent no. 2 is present.

2. This Court by its judgment and order dated 19.12.2025 has passed an order granting interim anticipatory bail to the applicant, which is quoted hereinbelow:-

"1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The present application has been filed under Section 482 of BNSS seeking anticipatory bail apprehending arrest in FIR No.280 of 2025, under Sections 69, 351(3), 352 BNS, P.S. Payagpur, District Bahraich.

3. Learned counsel for the applicant argues that in terms of FIR it was alleged by the victim aged about 21 years that she came in contact with the applicant for last four years and on false pretext of marriage physical relation were made. Learned counsel for the applicant states that admittedly relationship were made four years ago when offence under Section 69 was not even a punishable offence. The age of the applicant is around 19 years which is less than that of the victim.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that the applicant is aged about 19 years and at the time of alleged incident he must have been aged about 15 years prima facie the allegations appears to be improbable, prima facie, case for grant of anticipatory bail is made out. Accordingly, the anticipatory bail application is allowed.

6. In the event of arrest, let the applicant Avneesh Tiwari be released on anticipatory bail in the

abovesaid first information report number till submission of the charge-sheet on his furnishing personal bonds of Rs 5000/- 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 and will co-operate with investigation;

(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 and

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

7. Issue notice to respondent no. 2 returnable at an early date.

8. Steps be taken within three weeks.

9. List after six weeks."

3. Learned AGA has submitted that the applicant has co-operated during the investigation and thereafter the charge-sheet has been filed.

4. Learned counsel for the applicant has submitted that the applicant is a permanent resident of village Khajuri, Post Ram Nagar Khajuri, P.S. Payagpur, District Bahraich and there is no chance of absconding. He has further submitted that except this case, there is no other criminal case pending against him.

5. In view of the facts and circumstances mentioned hereinabove, the interim anticipatory bail order is hereby confirmed in the light of judgment passed in the case of Musheer Alam Vs. The State of Uttar Pradesh and Anr. [(2025) SCC Online SC 116], wherein it has been held that there is a practice in the State of Uttar Pradesh that arrest is effected after the charge-sheet is filed and on that unusual practice, the Court do not want to make any comment except that it makes no sense and as the investigation is over and charge-sheet is filed, the accused was asked to appear before the court concerned and should furnish bail to the satisfaction of the trial court and there is no point in making formal arrest. The relevant paragraph nos. 8 & 9 of the judgment in the case of Musheer Alam (supra), reads as under:-

"8. The learned counsel appearing for the petitioner would submit that there is a practice in the State of Uttar Pradesh that arrest is effected after the charge-sheet is filed and the Court takes cognizance of the charge-sheet. We do not propose to say anything as regards in this unusual practice except that it makes no sense.

9. We are of the view that once the investigation is over and charge-sheet is filed then the

accused should be asked to appear before the Court concerned and should furnish bail to the satisfaction of the trial court."

6. Upon due consideration of the aforesaid, the present anticipatory bail application is hereby **allowed** while extending anticipatory bail to the applicant- Avneesh Tiwari till disposal of the trial by appearing before the court concerned and should furnish bail bonds and sureties to the satisfaction of the trial/concerned Court, subject to the following conditions:-

(i) that 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/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicant shall not pressurize/intimidate the prosecution witness.

7. In case of default, it would be open for the Investigating Agency to move application for vacation of this order.

March 23, 2026

Nitesh

(Manish Kumar,J.)