



2026:AHC-LKO:22169

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 253 of 2025**

Vishw Mohan

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ayush Gupta, Pratul Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

1. Heard learned counsel for applicant and learned Additional Government Advocate appearing on behalf of opposite party no.1.
2. In view of order being passed, notices to opposite party no.2 stand dispensed with.
3. First Anticipatory Bail Application has been filed with regard to Case Crime no.0162 of 2024, under Sections 458/380/354/504/506 IPC, Police Station Kotwali Sadar, District Lakhimpur Kheri.
4. As per contents of first information report, the incident is said to have taken place on 02.03.2024 when the applicant in connivance with the informant's daughter is said to have looted valuables, during the course of which they were discovered by the informant but escaped after inflicting injuries.
5. It is submitted that applicant has been falsely implicated in allegation levelled against him which is quite evident from the statement of informant's daughter Simer Dixit under Sections 161 and 164 Cr.P.C. which clearly indicate that FIR has been lodged as a measure of retribution since she has married outside her caste. It is submitted that the complainant injured has refused to undergo medical examination. All the injured persons were discharged after having been provided first aid. In her statement before the

investigating officer, Simar Dixit has stated that no such incident had ever occurred. No notice under section 41-A CrPC has been given to the applicant during the course of investigation. The applicant has not received any summon or notice although the charge sheet was filed in 2012 and cognizance was taken on 13.7.2012.

The co-accused Shobhit Srivastava has been granted anticipatory bail vide order passed in Anticipatory Bail No.536 of 2025.

6. Learned Additional Government Advocate has opposed anticipatory bail with the submission that contents of FIR clearly indicate complicity of applicant and allegations levelled.

7. Upon consideration of submissions advanced by learned counsel for the parties and perusal of material on record, prima facie, it appears that allegations levelled in FIR are clearly contradicted by the daughter of informant herself which may indicate the FIR being lodged as a measure of retribution due to inter-caste marriage. The co-accused named above has been granted protection by a coordinate Bench of this Court. Thus, in view of law laid down by Hon'ble the Supreme Court in *Sushila Aggarwal and others versus State (NCT of Delhi)* and another (2020)5 SCC 1, it would be appropriate to grant anticipatory bail to applicant under Section 438 Cr.P.C./482 BNSS.

8. In view of the above, it is provided that in the event of arrest, applicant shall be released on anticipatory bail in aforesaid Case Crime number on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of court concerned with the following conditions:-

- (i) 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 tamper with the evidence;
- (ii) The applicant shall not leave India without the previous permission of the court;
- (iii) The applicant shall not pressurize/ intimidate the prosecution witness;
- (iv) The applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

(v) In case of breach of any of the above conditions the court below shall have the liberty to cancel the bail;

Any other reasonable restrictions/conditions which the trial court may deem fit and proper can be imposed.

9. It is made clear that the observations made in granting bail to the applicant shall not in any way affect the trial Judge in forming his independent opinion based on the testimony of the witnesses.

10. The application stands disposed of.

(Rajeev Bharti,J.)

March 30, 2026

kkb/