



2026:AHC:124721

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1009 of 2026

Jakir And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ravi Shankar Tripathi
Counsel for Opposite Party(s)	:	Anil Kumar, Mohd. Rashid, G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicants, learned counsel for the informant, as well as learned A.G.A. for the State and perused the record.

This application has been moved on behalf of the applicants seeking anticipatory bail in Case No. 13133 of 2025, arising out of Case Crime No. 346 of 2024, under Sections 110, 115(2), 352, 118(1) B.N.S., Police Station Qadarchowk, District Budaun, during the pendency of trial.

At the outset, learned counsel for the applicants submits that the present anticipatory application has become infructuous, as the applicant no. 1- Jakir has been arrested by the police authorities.

Learned counsel for applicant no. 2-Shakir Khan submitted that initially a Non-Cognizable Report (N.C.R.) was registered against the applicant no. 2 under Sections 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. Subsequently, on the basis of the injury report, the case was converted and Section 110 of the B.N.S. was added. It has further been submitted that, as per the medico-legal examination report, a fracture of the left side frontal bone of skull seen, and as per opinion of the Doctor, the injury is grievous in nature. Learned counsel further submitted that a similarly situated co-accused, namely **Sakeena Begum**, has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 09.12.2025 passed in *Criminal Misc. Anticipatory Bail Application U/S 482 B.N.S.S. No. 9691 of 2025 (Sakeena Begum vs. State of U.P. and*

Another). It is submitted that chargesheet in the case has been submitted. It is also contended that no specific allegation has been levelled against the present applicant and only general and omnibus allegations have been levelled against him. Learned counsel has drawn the attention of the Court to Annexure No. S.A.-2 to the supplementary affidavit, wherein he has duly explained the criminal history of the applicant no.2 in which he has granted bail by the court concerned. It is next submitted that applicant is having apprehension of arrest by the police any time in the above-mentioned case, whereas there is no credible evidence against him. If the applicant is enlarged on bail, he will not misuse the liberty and will cooperate with the investigation/trial.

Per contra, learned A.G.A. opposed the prayer for anticipatory bail. However, he does not dispute the fact that co-accused of the applicant has already granted anticipatory bail by this Court.

In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has settled the law on the subject finally by holding that the anticipatory bail need not be of limited duration invariably. In appropriate case, it can continue upto conclusion of trial. It has been further held therein that anticipatory bail granted can, depending on the conduct and behavior of the accused, continue after filing of the charge sheet till trial. It has been further held by the Hon'ble Apex Court that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

Considering the settled principles of law regarding anticipatory bail, nature of accusation, role of applicant and all attending facts and circumstances of the case, co-accused of the applicant has already granted anticipatory bail by the co-ordinate Bench of this Court, without

expressing any opinion on the merits of the case, in my view, it is a fit case for anticipatory bail to the applicant no. 2 till the trial.

The application is **allowed**, with respect of applicant no. 2-Shakir Khan. Whereas, the present application is **dismissed** as infructuous with respect to applicant no. 1-Jakir.

The **applicant no. 2-Shakir Khan** is directed to appear before the court concerned **within fifteen days from today** along with the certified copy of this order, and shall furnish personal bond(s) with two sureties each in the like amount to the satisfaction of the court concerned, and he shall be released on anticipatory bail till the conclusion of trial, subject to the following conditions:-

- (i) The applicant shall make himself available before the Court concerned on the date fixed in the matter and will cooperate in the investigation/trial.
- (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 from disclosing such facts to the Court or to any police office.
- (iii) The applicant shall not leave India without the previous permission of the Court and if they have passport, the same shall be deposited by them before the S.S.P./S.P. Concerned.

In case of default of any of the conditions, the same may be a ground for cancellation of protection granted to the applicant.

(Jai Prakash Tiwari,J.)

June 2, 2026
Brijesh