



2026:AHC:127363

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5857 of 2026**

Gulam Sarwar Ansari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Babhru Vahan Singh
Counsel for Opposite Party(s)	:	G.A., Pramod Kumar Pandey

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Babhru Vahan Singh, learned counsel for the applicant, Sri Arvind Kumar Srivastava holding brief of Sri Pramod Kumar Pandey, learned counsel appearing for the informant and learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicant in Case Crime No. 265 of 2025, under Sections 85, 109, 115(2), 351(3), 352 BNS, Police Station Tiwaripur, District Gorakhpur with a prayer to grant him anticipatory bail.

3. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. It is further submitted that the alleged incident had taken place on 18.9.2025 but the first information report was lodged on 9.12.2025 by moving an application under Section 156(3) Cr.P.C. The victim in her statement under Section 180 BNSS stated that head injury was caused by her husband by iron rod. The applicant is about 69 years of age and the marriage between the victim and the son of the applicant was solemnized in the year 2015. The applicant has been falsely implicated in the present case being the father-in-law of the victim. The interim anticipatory bail application of mother-in-law, namely, Khadija Mastoor has been allowed by this Court vide order dated 25.5.2026 and the next date 20.8.2026 has been fixed in the aforesaid Criminal Misc.

Anticipatory Bail Application No. 5065 of 2026. It is further submitted that no specific role of the applicant has been attributed by the victim in her statement. Earlier, one Case Crime No. 308 of 2019 was lodged by the victim against the applicant and his family members, which was registered at Police Station Tiwaripur, District Gorakhpur, under Sections 498-A, 323, 504, 506 IPC read with Section 3/4 of D.P. Act, however, the applicant was acquitted in the aforesaid case vide judgment and order dated 22.4.2025. Now, again the present first information report has been lodged against the applicant due to ulterior motive. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail, shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

4. On the other hand, learned A.G.A. and learned counsel appearing for the informant has opposed the application for anticipatory bail, however, he does not dispute the factual aspect. It is further submitted that the applicant was accompanying the co-accused when he caused head injury to the injured. The applicant was head of the family and he should opt to have stopped his son from causing injuries. The applicant has actively participated in the alleged offence.

5. Considering the submissions made by learned counsel for the parties, this Court is of the view that the applicant has made out a case for grant of anticipatory bail on the ground of parity.

6. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicant-**Gulam Sarwar Ansari** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, before the competent Court on his/her furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned;

(ii) The applicant shall co-operate with the Investigating Officer during

investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(iii) 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 her/him from disclosing such facts to the Court or to any police officer; and

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

7. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

(Vivek Kumar Singh,J.)

June 15, 2026
Lalit Shukla