



2026:AHC:126689

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 3952 of 2026**

Danish @ Mohd Danish

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Zia Uddin Ahmad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

1. The present case has been taken up out of turn under the category of mention cases.
2. Heard learned counsel for the applicant as well as the learned A.G.A. for the State and perused the record.
3. This application has been moved on behalf of the applicant seeking anticipatory bail in Case Crime No. 21 of 2026 under Sections 109(1), 190, 191(2), 191(3), 115(2), 352, 324(2), 61(2) BNS, Police Station Kareli, District Allahabad.
4. It has been submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in the present matter due to ulterior motive. It is next submitted that prosecution story is that named accused persons in the FIR, made assault upon the informant, his friend and others. It is next submitted that applicant was not named in the FIR and his name was disclosed during investigation. It is next submitted that applicant is having no concern with the allegations levelled against him and he has not committed any offence as alleged by prosecution. It is next submitted that in the statements of the injured persons, no specific role has been assigned to the applicant. It is next submitted that statement of the informant clearly indicates that fire-arm injury was caused to injured Imtiyaz by co-accused Arshu. It is next submitted that except the injury of injured Imtiyaz, other accused persons sustained simple injuries.

It is next submitted that criminal history of the applicant has been explained in the affidavit and supplementary affidavit. It is next submitted that co-accused Mohd. Faiz @ Faiz Bala has been granted bail by co-ordinate Bench of this Court vide order dated 15.05.2026 passed in Criminal Misc. Bail Application No. 13604 of 2026. 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.

5. Per contra, learned A.G.A. opposed the prayer for anticipatory bail.

6. 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.

7. Considering the settled principles of law regarding anticipatory bail, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, in my view, it is a fit case for anticipatory bail to the applicant till the trial.

8. The application is **allowed** accordingly.

9. The applicant-**Danish @ Mohd Danish** involved in the aforesaid case crime shall appear before the trial court/Investigating Officer, as the case may be, within 15 days from the date of this order and shall be released on anticipatory bail till the end of trial on furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall make himself/herself available before the Investigating Officer/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 he/she has passport, the same shall be deposited by him/her before the S.S.P./S.P. Concerned.

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

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

(Jai Prakash Tiwari,J.)

June 10, 2026

KK Patel