



2026:AHC:126709

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 4700 of 2026**

Abhishek Mishra

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Ali Imam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant, learned AGA for the State-opposite party and perused the material available on record.

This application has been filed seeking anticipatory bail in Case Crime No. 77 of 2025, under Sections 191(2), 191(3), 333, 115(2), 352, 351(2), 76, 3(5) B.N.S., Sections 3(2)(va), 3(1)(d), 3(1)(e) of SC/ST Act and 7/8 POCSO Act, Police Station Phase-1, District Gautam Budh Nagar, during the pendency of trial.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is submitted that the applicant was not named in the subject FIR. It is next submitted that there is no independent witness of the alleged incident, therefore, occurrence itself becomes doubtful. At this stage there is no credible evidence with regard to exact role of the applicant. The applicant has no criminal history. It is next submitted that the similarly placed co-accused have already been granted anticipatory bail the co-ordinate Bench of this Court vide order dated 09.09.2025 in Criminal Misc. Anticipatory Bail Application No. 482 BNSS No. 7000 of 2025 (Rohit Singh and another vs. State of U.P. and 3 others). If the applicant is also enlarged on bail on parity, he will not misuse the liberty and will cooperate with the trial. The applicant has apprehension of his arrest by the police any time.

Per contra, learned A.G.A. opposed the anticipatory bail, but could not

dispute that the similarly placed co-accused of the applicant has already granted anticipatory bail by the co-ordinate Bench of 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 end of 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, applicant was not named in the subject FIR, and the co-accused of the applicant have 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 till the trial.

The application is allowed accordingly.

In the event of arrest of the **applicant-Abhishek Mishra**, he shall be released on anticipatory bail till the end of trial on his 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 available before the Court concerned on the date fixed in the matter and will cooperate in the 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 has passport, the same shall be deposited by him 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 10, 2026

Brijesh