



2026:AHC:126353

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 4409 of 2026

Dharmandra Kumar And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Aftab Ahamad, Mohammad Abid Ali
Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Mr. Mohammad Abid Ali, learned Counsel for the applicants, learned Additional Government Advocate for the State and perused the records.

2. The present application has been filed on behalf of the applicants with a prayer to grant them anticipatory bail in Case Crime No.880 of 2024, under Sections 333, 324(2), 115(2), 352, 351(3) and 110 BNS, Police Station- Baheri, District Bareilly.

3. Learned Counsel for the applicants has submitted that the applicants have been falsely implicated in the present case. He further submitted that as per FIR, the applicants assaulted the first informant by entering into her house and thereafter hurled abuses. It is submitted that in present case the applicants were not arrested during investigation and have fully co-operated with the investigation and charge-sheet has already been filed against them under Sections 333, 324(2), 115(2), 352, 351(3) and 110 BNS. He also submitted that the alleged offence is punishable with imprisonment for not more than seven years. The applicants have no criminal history to their credit. It is contended that, in the event the applicants are granted anticipatory bail, they shall not misuse the liberty of bail and shall comply with all the conditions imposed by the Court.

4. Per contra, learned AGA has vehemently opposed the anticipatory bail application.

5. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another** reported in **(2020) 5 SCC1**, 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.

6. It has been further held by the Hon'ble Supreme 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 anticipatory bail 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 applicants till the end of trial.

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

9. In the event of arrest, the applicant shall be released on bail. Let the applicants, **Dharmendra Kumar, Jagan Lal, Shekhar @ Chandra Shekhar and Rajan** involved in the aforesaid crime be released on anticipatory bail till the conclusion of trial on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

- (i). The applicants shall not leave the country during the pendency of trial without prior permission from the concerned trial Court.
- (ii). The applicants shall surrender their passport, if any, to the concerned Court forthwith. Their passport will remain in custody of the concerned Court.

(iii). That the applicants 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 to any police officer;

(iv). The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence and the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicants.

(v). In case, the applicants misuse the liberty of bail, the Court concerned may take appropriate action in accordance with law and judgment of Apex Court in the case of *Sushila Aggarwal vs. State (NCT of Delhi)-2020 SCC Online SC 98*.

(vi). The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. (corresponding Section 351 BNSS). If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against them in accordance with law.

10. In default of any of the conditions, concerned court shall be at liberty to cancel the anticipatory bail granted to the applicants.

(Sanjiv Kumar,J.)

June 8, 2026
Subham