



2026:AHC:124664

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 4250 of 2026

Rizwan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Krishna Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

1. Heard learned counsel for the applicant as well as the learned A.G.A. for the State and perused the record.
2. This application has been moved on behalf of the applicant seeking anticipatory bail in Case Crime No. 0368 of 2026 under Sections 69, 352, 351(2) BNS, Police Station Baradari, District Bareilly.
3. 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 allegation against the applicant is that he has established physical relationship against the victim under the pretext to perform marriage with her. 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 victim was major aged about 30 years and she refused from her medical examination. It is next submitted that if there was any relationship between applicant and victim, the same was consensual in nature and this fact finds support from the statements of the victim recorded under Sections 180 and 183 BNSS. In support of his argument, he placed reliance upon the judgment of the Apex Court passed in case of *Jaspal Singh Kaural vs. The State of NCT of Delhi & Anr.* 2025 0 Supreme(SC) 599 (para 15) and *Samadhan S/O Sitatram Manmothe vs. State of Maharastra & Another* 2025 0 Supreme(SC) 1969. It is next submitted that applicant is not having any other criminal history except the present case. 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.

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

5. 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.

6. 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.

7. The application is **allowed** accordingly.

8. The applicant-**Rizwan** 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.

9. 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

KK Patel