



2026:AHC:126174

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 5360 of 2026**

Razik @ Mohd Razik

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shadab Alam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard learned Counsel for the applicant Shri Shadab Alam and Shri Rajiv Pandey, learned A.G.A. for the State and perused the record.

2. The present application has been filed on behalf of the applicant **Razik @ Mohd Raziik**, in Case Crime No.21 of 2026, under Sections- 3(5), 115(2), 109, 333, 352 and 351(3) of B.N.S., Police Station- Phoolpur, District- Azamgarh, with a prayer to enlarge him on anticipatory bail.

3. Learned Counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. As per prosecution, there occurred some dispute between two groups of people in which both the parties sustained injuries and the FIR has been lodged by Sub-Inspector Kamaluddin. It is submitted that the injuries sustained by the injured are simple in nature. It is next submitted that there is no specific role assigned to the applicant. It is next submitted that co-accused Shahabuddin @ Shabbu, Saif @ Mohd Saif Kamal and Kaif @ Mohammad Kaif Kamal, have already been granted anticipatory bail by a co-ordinate bench of this Court and the allegation against the applicant is much lesser than as against other co-accused. The applicant has a criminal history of one case and he has not been convicted in any other case. Therefore, the present applicant is also entitled to anticipatory bail on the ground of parity. He further submitted that the applicant undertakes to cooperate during the 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. 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 applicant till the end of trial.

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

9. In the event of arrest, the applicant, **Razik @ Mohd Raziik** involved in the aforesaid crime be released on anticipatory bail till the conclusion of trial on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:-

(1). The applicant shall not leave the country during the pendency of trial without prior permission from the concerned trial Court.

(2). 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;

(3). That 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 from disclosing such facts to the Court or to any police officer;

(4). The applicant shall file an undertaking to the effect that he 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 applicant.

(5). In case, the applicant misuses 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**.

(6). The applicant 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. 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 him 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 applicant.

June 8, 2026
AdityaG

(Sanjiv Kumar,J.)