



2026:AHC:125407

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 5050 of 2026**

Pradeep Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vijit Saxena
Counsel for Opposite Party(s)	:	G.A.

Court No. - 6

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the applicant as well as Shri Amrit Raj, 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. 877 of 2025, first information report dated 11.11.2025 under Sections 395, 447, 327, 427 and 120-B of IPC, Police Station-Kotwali Kannauj, District-Kannauj, during the pendency of the trial of the case.

3. Learned counsel for the applicant submitted that the FIR against the applicant and six other accused persons was lodged by respondent/informant after a delay of two years. It has been mentioned in the first information report that applicant along with his other companions assaulted the informant and his companions on 19.11.2023 while they were sitting at a brick kiln. It has been further alleged that the applicant and his companions also robbed Rs. 1,50,000/- from the possession of informant.

4. Learned counsel for the applicant submitted that the informant, in the first information report, has stated that he could not lodge the FIR earlier due to fear because the applicant and other co-accused persons are history-sheeters and have influenced in Administration. He further submitted that

the explanation put forward to justify the delay in lodging the FIR is highly unreliable. It is very much evident from an FIR in Case Crime No. 0908 of 2023 under Section 3(1)(d) of the SC/ST Act and Sections 307, 504, 323 of IPC lodged by one of the co-accused namely Surjeet against the present informant Vishal that cross FIR was already lodged by one of the accused against the present informant for the same incident. He next submitted that the plea of fear mentioned by the informant in present FIR is also highly doubtful because one year prior to the lodging of this incident, informant Vishal has also lodged an FIR in Case Crime No. 0537 of 2024 against the present applicant and other co-accused persons. Hence, it is very much explicit that all the reasons cited for delay in first information report are unconvincing and unreliable. It is further submitted that applicant has been falsely implicated owing to earlier enmity between the parties. It is 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, Sri Rupal Chaubey, learned AGA submitted that there was no delay on the part of informant, Vishal and same is visible from an application sent by the informant on IGRS Portal on the day of incident 20.11.2023. A Copy of the complaint uploaded on the IGRS Portal has been placed on record. Recovery of bricks were also effected from the possession of applicant and other accused persons. It was also submitted that the applicant and other co-accused persons are habitual offenders and are involved commission in serious crime.

6. Learned AGA has also informed that Non Bailable Warrants have been issued against the applicant.

7. Heard learned counsel for the parties and perused the record.

8. It is very much clear from the perusal of the first information reports lodged by both parties against each other that the parties are inimical towards one other. Therefore, this Court does not find it fit to deny the bail to applicant on the basis of the allegations mentioned in the first information report as well as issuance of non bailable warrants against him.

9. The Hon'ble Supreme Court in **Srikant Upadhyay and Others v. State of Bihar and Another, 2024 INSC 202**, has held that the issuance of a warrant of arrest by itself does not create an absolute bar to the exercise of jurisdiction under Section 438 Cr.P.C., and that an applicant against whom a non-bailable warrant has been issued may, in appropriate cases, invoke the extraordinary jurisdiction of anticipatory bail.

10. 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, the anticipatory bail application is allowed.

11. The applicant- **Pradeep Yadav** is directed to appear before the Investigating Officer/Court concerned within a period of 15 days from today alongwith a copy of this order, and shall furnish personal bond with two sureties each in the like amount to the satisfaction of the court concerned. The applicant shall be released on anticipatory bail till the conclusion of trial, subject to the following conditions:-

(i) The applicant shall make himself 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 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.

12. In case of breach of any of the above conditions, the court concerned shall be at liberty to take appropriate coercive action for appearance of the accused or to cancel the bail granted. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

June 1, 2026

Neetu

(Anil Kumar-X,J.)