



2026:AHC:126318

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5048 of 2026

Babu @ Azmal @ Sabe Alam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mayank Yadav
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. 12 of 2026, under Sections 109(1), 115(2), 351(3), 352, 3(5), 61 (2) (a) B.N.S., Police Station Phoolpur, District Prayagraj, during the pendency of trial.
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. There is quarrel between the informant and co-accused persons and in this regard the first information report was lodged against co-accused Azamal Rain and three unknown persons in respect of fire arm injury caused to the injured Shani Soni, who is the informant. The applicant has no concerned with the said incident. The role of fire arm was assigned to Azamal Rain. Co-accused **Shivam Pal** has been granted bail by coordinate Bench of this Court vide order dated 18.03.2026 passed in Criminal Misc. Anticipatory Bail Application under Section 482 B.N.S.S. No. 1982 of 2026 and **Azmal Rain and Mohd. Adil** have been granted by learned trial court vide order dated 29.07.2024 in Criminal Misc. Bail Application No. 3492 of 2024, copy of bail orders are annexed as Annexure No. 7 and 8 to this application.
4. 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.

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

6. 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.

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 trial.

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

9. In the event of arrest of the applicant- **Babu @ Azmal @Sabe Alam** 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.

10. 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 5, 2026

T.S.