



2026:AHC:126901

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5209 of 2026**

Gaurav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Radhey Shyam Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Sri Radhey Shyam Yadav, learned Counsel for the applicant, learned Additional Government Advocate for the State and perused the records.

2. The present application has been filed on behalf of the applicant in Special Sessions Trial No.353 of 2025, Under Sections 394, 364/511, 323/34, 504/34, 506/34 of the I.P.C., Police Farrukhabad station -- Mohammadabad, District, with a prayer to grant him anticipatory bail.

3. Learned Counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He further submitted that allegedly the incident occurred on 15.11.2023 and after about two days, the injured was medically examined and there is no explanation with regard to delay of medical examination. It is further submitted that the injuries are simple in nature and the allegation of committing assault is not upon the applicant. It is further submitted that as per injured, injury was caused by co-accused Vaibhav who has already granted anticipatory bail by Coordinate Bench of this Court vide order dated 05.06.2026 in Criminal Misc. Anticipatory Bail Application U/S 482 No.5315 of 2026. It is further submitted that the matter pertains to complaint case in which the complainant has examined interested witnesses and on their evidence, the applicant has been summoned. It is further submitted that there is a criminal history of one case, in which final report has been submitted, except that there is no other criminal history against the applicant. He

further submitted that there is no evidence against the applicant in support of the allegations constituting the offence. It is also submitted that, in the event the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and shall comply with all the conditions imposed by this 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 **Gaurav** shall be released on bail involved in the aforesaid crime till the conclusion of trial on his 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). 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;
- (2). 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 an abuse of liberty of bail and pass orders in accordance with law to ensure presence of the applicant.
- (3). 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**.
- (4). 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.

(Sanjiv Kumar,J.)

June 11, 2026
A.N. Mishra