



2026:AHC:64244

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 10008 of 2025

Omkar Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Supplementary affidavit filed on behalf of the applicant which is taken on record.
2. Learned counsel for the applicant; and learned A.G.A. for the State are present.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.352 of 2019, under Section 376 IPC, Police Station – Ijijatnagar, District Bareilly, with a prayer to enlarge him on anticipatory bail, during pendency of the trial.
4. The learned counsel for the applicant submits that the applicant and the victim were employed in the Indian Air Force. The victim has lodged a false case against the applicant. The applicant never made any false promise of marriage. He further contends that the charge sheet against the applicant has been filed which was challenged before this Court in Application U/S 482 Cr.P.C. No. 43006 of 2019 in which this Court vide order dated 10.12.2019 was pleased to grant interim relief to the applicant and referred the matter to Mediation Centre of this Court. He further contends that the mediation did not proceed as the victim failed to appear for mediation proceeding. He further contends that the interim order could not be extended and by virtue of the operation of the judgment of Supreme Court in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation (2018) 16 SCC 299**, the proceedings recommenced against the applicant before the Magistrate. The applicant has moved an application for investigation of

the interim order in the month of August, 2024, however, the same could not be heard till date. He further contends that in the meantime bailable warrant has been issued against the applicant and the applicant fearing his arrest, has filed an anticipatory bail application before the concerned court which was rejected and thereafter, this anticipatory bail application has been filed. The applicant has no criminal antecedents.

5. Learned A.G.A. has opposed the prayer for grant of anticipatory bail and submits that the applicant has criminal history of one case being Complaint Case NO. 87 of 2020.

6. Learned counsel for the applicant states that this case was lodged by the victim/opposite party no. 2 herself and a final report has been submitted after which the applicant has been summoned to face trial on complaint.

7. I have heard the learned counsel for the parties.

8. Facts of the case indicates that the applicant and the victim both were employed in the Indian Air Force. The applicant and the victim were in a relationship which appears to have subsequently broken down. The incident is said to be of the year 2019. The applicant was not arrested during the course of investigation and was even granted interim relief by this Court, although on account of mediation between the parties.

9. This Court on 30.01.2026 has passed the following order:-

"1. Learned counsel for the applicant and learned A.G.A. for the State are present.

2. Supplementary affidavit filed today is taken on record.

3. During submissions, it was brought to the notice of this Court that an interim protection was granted to the applicant in Application u/s 482 Cr.P.C. No.- 43006 of 2019 vide order dated 10.12.2019 which is annexed with the supplementary affidavit filed today in this matter but however no such order is available on record that the said protection was withdrawn by this Court at any point of time.

4. Hence, it appears that the applicant is already protected under the aforesaid order and he may have no apprehension of arrest.

5. In this way, applicant is directed to apprise this Court as to what is the

up-to-date position of the aforesaid Application u/s 482 Cr.P.C.

6. List this case on 12.02.2026 as fresh."

10. Perusal of the order sheet filed today by means of supplementary affidavit indicates that despite the interim order passed by this Court, proceedings against the applicant are continuing. It has been observed in the order dated 07.06.2023 passed by the Chief Judicial Magistrate, Bareilly that reliance has been placed on the judgment of Supreme Court in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation (supra)** pursuant to which summons have been issued for the appearance of the applicant.

11. In view of the opinion of this Court, there is no interim protection operating in favour of the applicant and as such, the anticipatory bail application of the applicant is maintainable.

12. I have considered the entire facts and circumstances as indicated above and in the opinion of this Court, the applicant who does not have any criminal antecedents, deserves to be granted anticipatory bail till conclusion of the trial before concerned court.

13. The anticipatory bail application of the applicant is **allowed**.

14. In the event of the arrest of the applicant- **Omkar Singh**, involved in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

- i. The applicant shall make himself available for interrogation by a police officer as and when required;
- 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 officer;
- iii. The applicant shall not leave India without the previous permission of the Court;
- iv. The applicant shall not pressurize/intimidate the prosecution witness;

15. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

16. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

March 26, 2026

Nisha