2026:AHC:98027

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 4146 of 2026

Anjuman Tiwari

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Aishwarya Pratap Singh, Arvind Kumar Tripathi, Urvashi Kunwar

Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Aishwarya Pratap Singh, learned counsel for the applicant and Learned AGA for the State.

2. The present anticipatory bail application under Section 482 of BNSS has been filed by the applicant with a prayer to release him on anticipatory bail in Case Crime No. 716 of 2025, under Sections 308(5), 351(2) BNS, P.S.- Auraiya, District- Auraiya, during pendency of the trial.

3. It is contended by learned counsel for the applicant that the accused applicant has been falsely implicated in FIR dated 02.10.2025 alleged by the informant, who has stated in the FIR that he has reported 8055 gang to the police. The gang leader, the accused applicant whose name is mentioned in the FIR, has robbed him of 15,000/- and demanded Rs. 15,000/-. He was accompanied with two other unknown accused. The accused applicant is the one who is unknown. The applicant is a correspondent. He has criminal history of two cases wherein one case the police has submitted final report and in another case, bail application is pending. The investigation is continuing. The main accused has already been granted bail from the trial court. The accused applicant wants to co-operate in the investigation but apprehending arrest. Hence, seeks anticipatory bail.

4. Per contra learned A.G.A. has opposed the prayer for bail of the

applicant.

5. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in **(1980) 2 SCC 565**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in **(2011) 1 SCC 694** and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in **(2020) 5 SCC 1**, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should considering the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

6. This Court considering the allegation made against the accused applicant and his role and the gravity of accusation, explained criminal history and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial, is of considered view to grant anticipatory bail.

7. The **applicant- Anjuman Tiwari** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with following conditions :-

(i) 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 or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) 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 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he/she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

10. **The below mentioned directions shall be complied with for expeditious disposal of trial, in case charge sheet is submitted against accused/applicant :-**

10.1 As the investigation is continuing, in the event charge sheet is submitted and cognizance is taken, it would be the duty of the accused/applicants to appear before the trial court or Magistrate concerned as the case may be without waiting for the issuance of summons, within 60 days from the date of cognizance or on the date fixed, which ever is earlier. So that the trial may not be delayed for non execution of summons or processes.

10.2 The District Judge concerned shall direct each Magistrate and Special courts to maintain a register of Anticipatory Bail orders granted by this Court, wherein the details of Anticipatory Bail shall be entered. The dedicated official shall be nominated in each Special court and Magistrate court for maintaining the register.

10.3 The accused/applicants shall provide a copy of the final order of anticipatory bail within 30 days, to the official concerned in whose jurisdiction the case lies and shall provide his complete contact details including the mobile number and E-mail ID (if maintained); any change

in detail shall be informed by the applicant.

10.4 On the submission of charge sheet and cognizance taken, the Presiding Officer shall fetch the details of the accused/applicants and the dedicated official shall inform the accused at the given detail.

(Avnish Saxena,J.)

April 30, 2026
Sharad/-

Digitally signed by :-
SHARAD KUMAR SRIVASTAVA
High Court of Judicature at Allahabad