2026:AHC:98633

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 4173 of 2026

Parvesh @ Saddam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sr. Advocate, Vaibhav Shandilya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Vivek Shandilya, learned Senior Counsel assisted by Sri Vaibhav Shandilya, 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. 144 of 2024, under Sections 308, 324, 323, 504 and 506 IPC, P.S. Kotwali Nagar, District Aligarh during pendency of the trial.

3. It is contended by learned counsel for the applicant that the accused/applicant has been falsely implicated by the informant. There is cross fight between the parties, which was occasioned on 17.05.2024 at 8:30 p.m. The cross version of the FIR is lodged by the father of accused/applicant against the informant and other family members. Both sides suffered injuries. It is subsequent that the FIR is lodged by the informant against the accused/applicant and other persons. The applicant has no criminal history. During the investigation, the accused/applicant has not been arrested. After two months from the date of incident Zeeshan got medical certificate that he suffered wound fatal to life. It is on the basis of this injury that Section 308 IPC has been invoked. The applicant wants to appear before the trial court after submission of charge sheet, but apprehending the 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. Considering that the accused/applicant has not been arrested during the investigation and there is cross fight and cross version of the incident. Further this Court, while considering the gravity of accusation 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. In the event of arrest of the **applicant- Parvesh @ Sadddam** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer as the case may be within **thirty 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/their 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.

(Avnish Saxena,J.)

April 30, 2026
Abhishek Sri.

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad