2026:AHC:98182

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3878 of 2026

Fardeen

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohit Sharan Tomar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri R.S.Tomar, learned counsel holding brief appeared 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. 314 of 2025, under Sections 191(2), 333, 74, 115(2), 352, 351(2), 76 BNS, P.S. Sirauli, District Bareilly 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 in the FIR dated 02.08.2025 for the alleged incident of 04.07.2025 occurred at 07:00 a.m. The accused/applicant are not only relative but also neighbours. The sister of accused (Fiza) is married to Arif, who is brother-in-law of informant. There is matrimonial dispute between Arif and Fiza, who married on 05.11.2023. In the FIR, it is alleged that the accused/applicant and other co-accused seven in numbers entered into the house of the informant and started beating her and other family members with kick and fists. As it is a no injury case and the offence is punishable with seven years, as such, the accused/applicant has not been arrested. The charge sheet is submitted and accused/applicant has no criminal history and wants to joint the trial 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. Considering the role of accused/applicant and there is matrimonial dispute between the sister of applicant and brother-in-law of the informant. 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-Fardeen** 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