2026:AHC:98317

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3890 of 2026

Jakir

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Singh Baish
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Rajesh Singh Baish, 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. 19 of 2026, under Sections 3/5A/8 of Cow Slaughter Act, and Section 11 Animal Cruelty Act, P.S. Shahabganj, District Chandauli 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 police under the provision of Cow Slaughter Act and Animal Cruelty Act. The FIR is lodged by the police on 15.03.2026 with the allegation that they have apprehended the co-accused, who was taking two cattles on road. One of the accused has been apprehended. In the disclosure statement of the accused, two accused persons have been named in the FIR. The investigation is continuing. The applicant has no criminal history. He wants to cooperate with 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. Considering that the name of accused/applicant figured out from the statement of co-accused. 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. The **applicant- Jakir** 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 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/applicant 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/applicant 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/applicant and the dedicated official shall inform the accused at the given detail.

April 30, 2026
Abhishek Sri.

(Avnish Saxena,J.)

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