



In the Court of Special Judge [S.C./S.T. (Prevention of Atrocities) Act]

Present: Ashok Kumar XIII (J.O. Code - UP2392)

Anticipatory Bail Application No. 288/2026

1. Himanshu, aged about 26 years, son of Shri Vijay Kumar.
2. Nikhil, aged about 22 years, son of Shri Surendra Gupta.
3. Trimohan, aged about 42 years, son of Shri Gyadeen Gupta.

All residents of Nai Basti, Barah Bigha, Police Station Kotwali Nagar, District Etah. versus State of Uttar Pradesh

Under sections - 190, 191(2), 191(3), 194(2), 125, 115(2), 352, 351(3), 109 of Bhartiya Nyaya Sanhita, 2023 and Section 7 of Criminal Law Amendment Act.

Case Crime No. - 472/2025

Police Station - Kotwali Nagar, Etah.

Date: 25.03.2026

1. The present anticipatory bail application has been moved on behalf of the applicants/accused, namely Himanshu, Nikhil, and Trimohan, seeking pre-arrest bail in Case Crime No. 472/2025, under Sections 190, 191(2), 191(3), 194(2), 125, 115(2), 352, 351(3), 109 of the Bhartiya Nyaya Sanhita, 2023 (BNS) and Section 7 of the Criminal Law Amendment Act, pertaining to Police Station Kotwali Nagar, District Etah. The application is supported by an affidavit and seeks protection against potential arrest by the police in connection with the aforementioned crimes.
2. The factual matrix of the prosecution case, as per the First Information Report (FIR) lodged by SHO Shambhunath Singh, is that on September 9, 2025, while on patrol duty for maintaining law and order, information was received regarding a violent clash between two groups in Village Bhagipur. Upon reaching the spot, it was revealed that on the night of September 8, 2025, at approximately 22:10 hours, a first party consisting of Amar Lodhi and others, and a second party consisting of Sonu Gupta, Ashish, Vishal Gupta, and others (including the present applicants), engaged in a violent confrontation involving stone-pelting and firing of illegal firearms. The FIR alleges that the sound of gunfire created an atmosphere of terror and panic,

forcing villagers to lock themselves in their homes and shopkeepers to close their businesses. It is further alleged that one individual was injured in the incident and shifted to the District Hospital. The incident was reportedly captured on video and went viral on social media, further disturbing public peace and harmony.

3. The learned counsel for the applicants argued that the applicants have been falsely implicated in the present case due to local enmity and police high-handedness. It is submitted that this is the first anticipatory bail application and no other application is pending before any court. The primary ground urged is that the co-accused Vishal Gupta and others, who were named in the FIR with similar roles, have already been granted the benefit of anticipatory bail by the court. The applicants claim parity with the said co-accused, asserting that no specific or overt act has been attributed to them in the FIR. Furthermore, it is contended that the prosecution story is doubtful as there are no independent public witnesses despite the incident allegedly occurring in a populated area. The applicants have no prior criminal history and have undertaken to cooperate fully with the investigation and abide by all court conditions.
4. The prosecution vehemently opposed the bail application, arguing that the offense is of a serious nature involving public disorder and the use of firearms. It was submitted that the act of the applicants and their associates paralyzed normal life in the village and created a sense of insecurity among the public. The prosecution highlighted that the investigation is still ongoing against the present applicants, even though a charge sheet has already been submitted against twelve other co-accused persons on January 18, 2026. The prosecution raised apprehensions that if released on anticipatory bail, the applicants might influence witnesses, tamper with evidence, or abscond to evade the process of law. It was also noted that the names of the applicants came to light during the investigation and video analysis.
5. I have considered the rival submissions and perused the material available on record. The core accusation involves a clash between two groups resulting in a breach of public peace. However, it is observed that no specific injury has been attributed to the present applicants, and the allegations against them are general in nature, similar to those against co-accused who have already been granted bail. Following the principles laid down in ***Sushila Aggarwal v. State (NCT of Delhi)*** 2020 INSC 106 , the court must balance the right to liberty with the need for a fair investigation. The applicants have no criminal antecedents and have expressed readiness to join the investigation. Given that a charge sheet has already been filed against several other co-accused and the applicants claim parity, there appears to be no immediate necessity for custodial interrogation, provided they cooperate with the Investigating Officer. The principles in ***MD. Asfak***

Alam v. State of Jharkhand (2023) SCC Online SC 892 emphasize that the gravity of the offense must be weighed against the necessity of arrest. Considering the totality of facts and circumstances, the submissions made, and the material on record, the applicants are granted bail.

Order

The anticipatory bail application of accused 1. Himanshu, son of Shri Vijay Kumar, 2. Nikhil, son of Shri Surendra Gupta, and 3. Trimohan, son of Shri Gyadeen Gupta, all residents of Nai Basti, Barah Bigha, Police Station Kotwali Nagar, District Etah, in Case Crime No. 472/2025, under Sections 190, 191(2), 191(3), 194(2), 125, 115(2), 352, 351(3), 109 BNS and Section 7 of Criminal Law Amendment Act, Police Station Kotwali Nagar, District Etah is hereby **allowed**.

It is directed that in the event of arrest of the applicants/accused Himanshu, Nikhil, and Trimohan in connection with the aforesaid Case Crime Number, they shall be released on bail upon furnishing a personal bond in the sum of **50,000/-** and **two sureties** each in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/court concerned.

The grant of bail is subject to the following conditions:

1. The applicants/accused shall appear before the court concerned on each date fixed in the case.
2. The applicants/accused shall not tamper with the prosecution evidence nor pressurize the prosecution witnesses.
3. The applicants/accused shall not indulge in any criminal activity or commission of any crime after being released on bail.
4. The applicants/accused shall not leave the country without prior permission of the court.
5. The applicants/accused shall inform the court regarding any change in their residential address.
6. The accused will fully cooperate in the ongoing investigation.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail.

Date: 25.03.2026

(Ashok Kumar XIII)
Special Judge [S.C./S.T. (Prevention of
Atrocities) Act] , Etah