



HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8969 of 2025**

Imran Alias Imran Hasan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jawad Tariq
Counsel for Opposite Party(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.

1. Heard Mr. Jawad Tariq, the learned counsel for applicant and the learned A.G.A. for State.

2. Perused the record.

3. This application for anticipatory bail has been filed by applicant-Imran @ Imran Hasan seeking anticipatory bail in Case Crime No. 795 of 2019, under Sections 147, 148, 149, 307, 188, 436, 283, 332, 353, 336 and 342 IPC, Section 7 of Criminal Law Amendment Act, 1932 and Section 3/4 of Prevention of Damage to Public Property Act, 1984, Police Station-Rasoolpur, District-Firozabad during the pendency of trial.

4. Learned counsel for applicant submits that applicant was initially granted anticipatory bail by this Court, vide order dated 28.06.2021 passed in Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No. 11815 of 2021 (Imran Hasan Vs. State of U.P. and Another). For ready reference, the order dated 28.06.2021 is reproduced herein under;-

"Heard learned counsel for the applicant and learned A.G.A for State through video conferencing.

The instant anticipatory bail application has been filed with a prayer to grant anticipatory bail to the applicant, Imran Hasan in Case Crime No.795/2019 under Sections 147, 148, 149, 283, 332, 336, 342, 353, 307, 436 IPC, 7 CLA Act and 3/4 Prevention of Damage to Public Property Act, Police Station Rasulpur, District

Firozabad.

Learned counsel for the applicants has submitted that the applicants have been falsely implicated in this case. From the statement of co-accused, the name of the applicant has surfaced. The co-accused Shahzad, who is on similar footing, has been granted Anticipatory Bail by this Court by order dated 02.02.2021 passed in Anticipatory Bail no.6863/2020. The applicant has no criminal history to his credit. The applicant has definite apprehension that he may be arrested by the police any time.

Learned A.G.A. has opposed the prayer for anticipatory bail of the applicant. He has submitted that in view of the seriousness of the allegations made against the applicant, he is not entitled to grant of anticipatory bail. The apprehension of the applicant is not founded on any material on record. Only on the basis of imaginary fear, anticipatory bail cannot be granted.

After considering the rival submissions, this Court finds that there is a case registered against the applicants. It cannot be definitely said when the police may apprehend them. After lodging of F.I.R., the arrest can be made by the police at will. There is no definite period fixed for the police to arrest an accused against whom an F.I.R. has been lodged. The courts have repeatedly held that arrest should be the last option for the police and it should be restricted to those exceptional cases where arresting the accused is imperative or his custodial interrogation is required. Irrational and indiscriminate arrests are gross violation of human rights. In the case of Joginder Kumar v. State of Uttar Pradesh AIR 1994 SC 1349, the Apex Court has referred to the third report of National Police Commission, wherein it is mentioned that arrest by the police in India is one of the chief source of corruption in the police. The report suggested that, by and large, nearly 60 percent of the arrests were either unnecessary or unjustified and that such unjustified police action accounted for 43.2 percent of expenditure of the jails. Personal liberty is a very precious fundamental rights and it should be curtailed only when it becomes imperative. According to the peculiar facts and circumstances of the case, the arrest of an accused should be made.

Without expressing any opinion on the merits of the case and considering the nature of accusation and their antecedent, the applicant is entitled to be released on anticipatory bail for limited period in this case considering the exceptions considered by the Hon'ble Supreme Court in the case of Sushila Aggarwal vs. State

(NCT of Delhi)- 2020 SCC Online SC 98.

In the event of arrest, the applicant shall be released on anticipatory bail till cognizance is taken by the competent Court on the police report, if any, under section 173 (2) Cr.P.C. on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/ concerned Court with the following conditions:-

(i) The applicant shall make themselves available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

(iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. concerned.

(iv) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(v) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In default of any of the conditions, the Investigating Officer/Govt. Advocate is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

The Investigating Officer is directed to conclude the investigation, if pending, of the present case in accordance with law, expeditiously, independently without being prejudiced by any observations made by this Court while considering and deciding the present anticipatory bail application of the applicants.

The applicant is directed to produce a copy of this order downloaded from the official website of this Court before the S.S.P./S.P. concerned within ten days from today, if investigation is in progress, who shall ensure the compliance of present order."

5. Learned counsel for applicant submits that subsequent to above order dated 11.05.2023, Investigating Officer after completion of statutory investigation of concerned case crime number in terms of Chapter-XII Cr.P.C. submitted the charge sheet/police report in terms of Section 73(2) Cr.P.C. Thereafter, the jurisdictional Magistrate took cognizance upon aforementioned charge sheet and summoned the accused/applicant. However, till date, neither non bailable warrant has been issued against applicant nor coercive process under Sections 82/83 Cr.P.C. has been adopted by Court below against applicant. To buttress his submission, he has relied upon the order sheet of aforementioned criminal case, copy of which has been brought on record by means of a supplementary affidavit filed by the learned counsel for applicant in Court today, which is taken on record.

6. It is then contended by the learned counsel for applicant that custodial arrest of applicant is not absolutely necessary for conducting the trial of applicant.

7. Even though, applicant has criminal history to his credit, however, the same has been sufficiently explained in paragraph 37 of the affidavit filed in support of present application for anticipatory bail. The charge sheet/police report in terms of Section 173(2) Cr.P.C. has already been submitted by the Investigating Officer, therefore, the entire evidence sought to be relied upon by the prosecution stands crystallized. However, up to this stage, no such incriminating circumstance has emerged on record warranting custodial arrest of applicant during the pendency of trial. On the above premise, the learned counsel for applicant thus submits that present application for anticipatory bail is liable to be allowed. In case, applicant is enlarged on anticipatory bail, then in that eventuality, he shall not misuse the liberty of bail and shall co-operate in the conclusion of trial.

8. Per contra, the learned A.G.A. for State-opposite party-1 has vehemently opposed the prayer for anticipatory bail. Learned A.G.A. submits that since applicant is a named as well as charge sheeted accused, therefore, he does not deserve any indulgence by this Court. Remedy lies to the applicant to appear before Court below and apply for regular bail. Since no exceptional circumstance has been pointed out by the learned counsel for applicant warranting interference by this Court, therefore, this repeat application for

anticipatory bail is liable to be rejected. However, the learned A.G.A. could not dislodge the factual and legal submissions urged by the learned counsel for applicant in support of this application for anticipatory bail as noted herein above with reference to the record at this stage.

9. Having heard, the learned counsel for applicant, the learned A.G.A. for State and upon perusal of record, this Court finds that matter requires consideration.

10. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A.

11. Issue notice to opposite party-2.

12. All the opposite parties may file their respective counter affidavits within 4 weeks.

13. Applicant will have 2 weeks thereafter to file his rejoinder affidavit.

14. List this application for anticipatory bail for admission/orders on 16.01.2026.

15. Considering the facts and circumstances of the case and also the submissions urged by the learned counsel for applicant in support of this application for anticipatory bail as noted herein above, as an interim measure, it is, hereby, provided that in the event of arrest, applicant-Imran @ Imran Hasan shall be released on ad-interim anticipatory bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/ concerned Court with the 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 them from disclosing such facts to the Court or to any police officer;

(ii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. concerned.

(iii). The applicant shall appear before Court below on each of the date fixed regularly and continuously.

16. In default of any of the conditions, the Investigating Officer/Govt. Advocate is at liberty to file appropriate application for cancellation of ad-interim anticipatory bail granted to the applicant.

November 21, 2025

Vinay

(Rajeev Misra,J.)