



HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 8400 of 2025**

Shahrukh Alias Mustafa Alias Sarook

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Bachan Singh, Vimal Kumar Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Bachan Singh, learned counsel for the applicant, Shri B.P. Maurya, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no.260 of 2025, under Sections 64(1), 191(2), 352, 115(2), 351(2) of B.N.S. and Section 3/4 of D.P. Act, Police Station Sirauli, District Bareilly, with the prayer that in the event of arrest, applicant may be released on bail.
3. At the very outset, learned AGA submits that he has not received instructions as yet.
4. Learned counsel for the applicant submits that as per allegation in the first information report, the applicant was said to have been in relationship with the victim for four months. It is further alleged that the applicant committed rape on the victim on the false promise of marriage. It is further submitted that the statement of victim was recorded under Section 183 B.N.S.S. after a delay of about three months and the investigating officer has recorded in the case diary that the victim herself was not cooperating for getting her statement recorded on the pretext that the matter was likely to be compromised between the parties. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

5. On the other hand, learned A.G.A. has opposed the application for anticipatory bail.

6. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

7. In the event of arrest of the applicant- **Shahrukh Alias Mustafa Alias Sarook**, involved in the aforesaid case crime shall be released on interim anticipatory bail till 20.11.2025 on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(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 him/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

8. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

9. List this case on **20.11.2025 as fresh.**

October 29, 2025
RKM

(Jitendra Kumar Sinha,J.)