



HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 10784 of 2025**

Bhagwandas And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Awadhesh Kumar Sharma
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court on 19.12.2025 passed the following order:-

"1. Heard Shri Awadhesh Kumar Sharma, learned counsel for the applicants, Shri Radhey Shyam, 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.158 of 2025, under Sections 110, 115(2), 333, 352 of B.N.S., Police Station Mandho Tanda, District Pilibhit, with the prayer that in the event of arrest, applicants may be released on bail.

3. It is contended by learned counsel for the applicants that the applicants were served a notice under Section 35(3) of BNSS and now the charge sheet in this case has already been submitted. It is further submitted that the applicants are ready and willing to cooperate in the trial. It is also submitted that the applicants are having no criminal history. It was also submitted that applicants undertake to co-operate during trial and they would appear as and when required by the investigating agency or Court. It has been stated that in case, applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. On the other hand, learned A.G.A. submits that he has not received instructions as yet.

*5. 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.

6. In the event of arrest of the applicants - **Bhagwandas, Ishwar Dayal and Shanti Swaroop** involved in the aforesaid case crime shall be released on interim anticipatory bail till 30.01.2026 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 applicants shall not tamper with evidence and that they would appear before the trial Court on the date fixed unless exempted by the Court concerned;

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

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

7. 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 applicants.

8. List this case on 30.01.2026 as fresh.

9. Learned AGA is directed to obtain instructions in the matter by the next date."

2. Today when the case has been called on, the Learned A.G.A. has stated that he has received the instructions in the matter.

3. The Learned counsel for the applicant contends that the applicants have been summoned to face trial for offences under Sections 110, 115(2), 333 & 352 BNS, 2023. He contends that although the offences alleged against

the applicants are punishable with an imprisonment of more than seven years, however, the offence under Section 110 BNS is triable by the Court of Sessions and the applicant has a serious apprehension of arrest and being sent to judicial custody on his appearance before the concerned Magistrate.

4. The Learned A.G.A. has opposed the grant of anticipatory bail by contending that the applicant No.2 has a criminal history of one case being Case Crime No.92 of 2016, under Sections 363, 366, 376 IPC and Section 7/8 of POCSO Act and the same has also not been explained.

5. In view of the objection, so raised, by the Learned A.G.A. with respect to non-explanation of criminal history of the applicant No.2, I deem it appropriate to adjourn the matter for today so far as the applicant No.2 is concerned.

6. The Learned counsel for the applicant is directed to file a supplementary affidavit in the matter by the next date.

7. Put up **as fresh on 18.03.2026** before the appropriate Bench.

8. Till the next date of listing, interim order granted on 19.12.2025 shall continue to operate.

9. The matter shall not be treated as tied up/part heard to this Bench.

February 27, 2026
Sachin

(Rajiv Lochan Shukla,J.)