2026:AHC:211722

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9657 of 2026

Arif Mohd

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arun Kumar Tripathi, Rakesh Pati Tiwari
Counsel for Opposite Party(s)	:	G.A., Shyam Singh Somvanshi

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Shri Dhirendra Kumar holding brief of Shri Rakesh Pati Tiwari, learned counsel for the applicant, learned A.G.A. for the State and Shyam Singh Somvansh, learned counsel for the informant.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 927 of 2024, under Sections 191(2), 115(2), 352, 324(4), 333, 109, 117(2), 118(1) BNS, Police Station Ijjat Nagar, District Bareilly, with a prayer to enlarge him on anticipatory bail, as the applicant apprehends his arrest in the aforesaid case.

3. Learned counsel for the informant and the learned A.G.A. have raised an objection, stating that the applicant has been charge-sheeted for offences which do not entail a maximum punishment of more than seven years in the event of a conviction. It is submitted that the directions given by the Hon'ble Supreme Court in **Satender Kumar Antil vs. Central Bureau of Investigation & Another (2021) 10 SCC 773,** are squarely applicable to the applicant. Since the applicant has no apprehension of arrest, the present application for anticipatory bail is not maintainable.

4. Learned counsel for the applicant, in reply to the aforesaid objection, submitted that the concerned Court has taken cognizance against the applicant and the co-accused under all the provisions mentioned in the charge sheet, including Section 109 B.N.S., and as such, the applicant has a serious apprehension of being arrested and sent to jail in the event he

appears before the concerned Court.

5. I have considered the submissions made by the learned counsel for the parties.

6. A perusal of the charge-sheet indicates that the applicant has been found, during investigation, to have committed offence under Sections 191(2), 115(2), 352, 324(4), 333, 117(2), 118(1) of the B.N.S. The cognizance and summoning order has not been filed before this Court. Without the cognizance and summoning order having been filed, the statement of the learned counsel for the applicant cannot be taken into account.

7. The applicant has been charge-sheeted for offences, which entail a maximum punishment of upto seven years. The Hon'ble Supreme Court in **Satender Kumar Antil (supra)** has for offences punishable with imprisonment upto seven years, clearly provided as follows:

> *"3. We are inclined to accept the guidelines and make them a part of the order of the Court for the benefit of the courts below. The guidelines are as under:*
>
> ***Categories/Types of Offences***
>
> *(A) Offences punishable with imprisonment of 7 years or less not falling in Categories B and D.*
>
> *....*
>
> ***Requisite Conditions***
>
> *(1) Not arrested during investigation.*
>
> *(2) Cooperated throughout in the investigation including appearing before investigating officer whenever called.*
>
> *(No need to forward such an accused along with the charge-sheet* ***Siddharth v. State of U.P. (2022) 1 SCC 676)***
>
> ***Category A***

After filing of charge-sheet/complaint taking of cognizance

(a) Ordinary summons at the 1st instance/including permitting appearance through lawyer.

(b) If such an accused does not appear despite service of summons, then bailable warrant for physical appearance may be issued.

(c) NBW on failure to appear despite issuance of bailable warrant.

(d) NBW may be cancelled or converted into a bailable warrant/summons without insisting physical appearance of the accused, if such an application is moved on behalf of the accused before execution of the NBW on an undertaking of the accused to appear physically on the next date/s of hearing.

(e) Bail applications of such accused on appearance may be decided without the accused being taken in physical custody or by granting interim bail till the bail application is decided."

8. In the light of the directions of the Supreme Court in case of **Satender Kumar Antil (supra)**, no apprehension of arrest remains and the application of the applicant seeking anticipatory bail is not maintainable and is dismissed as such. The applicant may appear before the concerned Court within three weeks and may move an appropriate application for bail, as advised. It is expected that the concerned Court, in the event of the applicant moving an appropriate application, as mentioned above, shall decide the same, expeditiously, in accordance with the directions of Hon'ble Supreme Court given in **Satender Kumar Antil (supra),** without being influenced by the dismissal of this application.

9. With the aforesaid observations/directions, this application stands disposed of.

(Vivek Kumar Singh,J.)

October 8, 2026
Nitendra

Digitally signed by :-
NITENDRA TIWARI
High Court of Judicature at Allahabad