



2026:AHC:110519

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 4345 of 2026**

Smt Yasamin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Chaman Aara, Shabista Parveen
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Ms. Shabista Parveen, learned counsel for the applicant and learned AGA for the State.
2. The present anticipatory bail application under Section 482 of BNSS has been filed by the applicant with a prayer to release him on anticipatory bail in Case Crime No. 58 of 2024, under Sections 419, 420 IPC and Section 66C/66D I.T. Act, P.S.- Cyber Crime, District- Agra, during pendency of the trial.
3. It is contended by learned counsel for the applicant that the FIR is lodged by the informant on 18.06.2024 for the incident of 31.05.2024 when the informant received a call from anonymous person impersonating him to be the official of the Indus-ind bank. He asked the informant for some details from his account which led to the siphoning of Rs. 3,24,764/- from his account to various account. The account of applicant is one of them wherein Rs. 15,000/- has been credited. The accused applicant has no criminal history. He himself is a victim and has been used by the unscrupulous person. The accused applicant has not been arrested during investigation. The accused applicant wants to appear before the trial court after submission of charge sheet but apprehending arrest. Hence, seeks anticipatory.
4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

5. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in (1980) 2 SCC 565, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in (2011) 1 SCC 694 and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in (2020) 5 SCC 1, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should considering the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

6. This Court considering that the accused applicant has not been arrested during investigation and the gravity of accusation and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial, is of considered view to grant anticipatory bail.

7. The **applicant- Smt. Yasamin** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with 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 him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he/she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his/their counsel.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Avnish Saxena,J.)

May 13, 2026
Sharad/-