



2026:AHC:154677

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 7066 of 2026**

Murari Lal And Another

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sandesh Niranjana, Shravan Kumar Yadav
Counsel for Opposite Party(s)	: Ashutosh Pratap Singh, G.A., Lokendra Pratap Singh

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Counter affidavit filed today on behalf of opposite party no.4 is taken on record.
2. Heard Sri Amit Daga, learned Senior Counsel assisted by Sri Shravan Kumar Yadav, learned counsel for the applicants, Sri Ashutosh Pratap Singh, learned counsel for opposite party no.4/ first informant and Sri Prashant Kumar Singh, learned A.G.A. for the State-opposite party nos.1 to 3.
3. The present application has been filed on behalf of the applicants in Case Crime No.600 of 2025, under Sections 103(1), 238, 61(2) of Bharatiya Nyaya Sanhita (B.N.S.), 2023, Police Station Malpura, District Agra, with a prayer to grant them anticipatory bail.
4. The prosecution case, in brief, is to the effect that a first information report was lodged by the informant against the applicants and seven others in respect of the honour killing of the deceased, Anshu Yadav. The FIR was registered on 13.12.2025 as Case Crime No. 600 of 2025 under Sections 103(1), 238 and 61(2) of the B.N.S. at Police Station Malpura, District Agra, in respect of the alleged incident dated 25.10.2025. It is alleged in the FIR that the informant and the deceased were in love with each other, but the family members of the deceased were against their relationship. On 24.10.2025, the deceased, Anshu Yadav, sent a 29-seconds video to the informant's mobile number, wherein she stated that her family members,

including the present applicants, wanted to kill her. The informant tried his level best to contact the deceased, but all went in vain. Thereafter, he filed a habeas corpus writ petition before this Court. It is further alleged in the FIR that the informant came to know that the deceased, Anshu Yadav, had been killed on 25.10.2025, and that her dead body was carried in a car bearing registration No. UP83BJ5530 and was thrown into the Yamuna River near the Bhind Bypass, Village Sunwara, District Etawah.

5. The Investigating Officer commenced the investigation and recorded the statements of the informant and other persons. He collected the video made by the deceased prior to her death, and an extract thereof was noted in the case diary.

6. The dead body of the victim was recovered on the pointing out of co-accused Ranveer Singh Yadav, who happens to be the father of the deceased. The inquest report was prepared on 14.12.2025 at about 20:30 hours. The post-mortem report was also prepared on 15.12.2025 at about 4:00 p.m. The cause of death could not be ascertained; therefore, the bones and hair of the deceased were sealed and sent to Forensic Science Laboratory, Agra, for DNA examination. The investigation is under progress.

7. It is contended by Sri Amit Daga, learned Senior Counsel appearing for the applicants, that the applicants are quite innocent. They are the *fufa* and *bua* of the deceased, and being relatives of co-accused Ranveer Singh Yadav, they have been falsely implicated in the present case. Applicant no. 1 is working in the Police Department on the post of Sub-Inspector, and on the date of the alleged incident, i.e., 25.10.2025, he was on duty, which can be verified from his attendance register. The applicants have been made accused in the present case only on the basis of suspicion and the alleged video dated 24.10.2025, wherein general and vague allegations have been levelled against them. There is no evidence of murder against the applicants, and that only an allegation of apprehension for her life has been levelled by the deceased against the present applicants. It is further contended that no certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023, was obtained by the Investigating Officer. Therefore, the video recovered during the course of the investigation would not be admissible in evidence.

8. Further submission was made by the learned Senior Counsel that it has not

been ascertained by the prosecution that the dead body, recovered during the course of the investigation, was that of the deceased. There is no DNA report regarding the recovered skeleton or bones. The applicants have been made accused on the basis of mere suspicion, and it is wrongly claimed by the prosecution that the applicants were also present at the place of the incident. However, no call detail records of the applicants were obtained by the Investigating Officer showing their presence at the place of incident. The Investigating Officer did not try to find out the mobile number from which the alleged video was sent to the informant. It is next contended that the video was made with the help of artificial intelligence. There is no Forensic Science Laboratory report to establish that the video was genuine. Therefore, no sanctity can be attached to the genuineness of the video. The vehicle bearing registration No.UP83BJ5530 does not belong to the applicants.

9. It is further contended that the dead body/ skeleton of the deceased was not identified, and that there is no evidence against the applicants regarding their involvement in the alleged offence. They are cooperating in the investigation. The FIR was lodged with an inordinate delay of 49 days, which has not been properly explained by the first informant. It is further contended that the deceased disappeared from her house on 30.10.2025, and her father informed the police on 04.11.2025. Thereafter, a missing report was lodged by the father of the deceased on 30.11.2025. The habeas corpus writ petition filed by the informant was dismissed by a Coordinate Bench of this Court vide order dated 12.12.2025. The FIR was lodged on the basis of hearsay evidence.

10. To buttress his submissions, the learned Senior Counsel appearing for the applicants has relied upon the judgments of the Hon'ble Apex Court passed in the cases of **Siddharam Satlingappa Mhetre Versus State of Maharashtra and Others, (2011) 1 Supreme Court Cases 694**, and **Bhadresh Bipinbhai Sheth Versus State of Gujarat and Another, (2016) 1 Supreme Court Cases 152**. He further submitted that in a case where the Court is of the considered view that the accused has joined the investigation, is fully cooperating with the Investigating Agency, and is not likely to abscond, custodial interrogation should be avoided and anticipatory bail should be granted. Applicant no. 1 is a police officer, and there is no apprehension of his absconding. Therefore, he should be granted anticipatory bail.

11. Per contra, Sri Prashant Kumar Singh, learned State Counsel, as well as Sri Ashutosh Pratap Singh, learned counsel for opposite party No. 4/first informant, have vehemently opposed the prayer. It is stated by them that applicant No. 1 is a police officer and that he actively participated in the offence. The applicants were also present on the Yamuna Bridge, from where the dead body of the deceased was thrown into the river. The deceased, prior to her murder, sent a video recording to the informant, wherein she specifically stated that her murder would be committed by her family members, including the present applicants. Applicant no. 1 is a police officer, and he would misuse his position and would tamper with the evidence in case anticipatory bail is granted to him. The applicants are not cooperating with the investigation; therefore, the Investigating Officer moved an application before the court concerned for issuing non-bailable warrants, and that the learned court concerned has issued non-bailable warrants against the applicants and the other co-accused vide order dated 24.02.2026.

12. The learned counsel for the first informant further argued that the Investigating Officer has obtained the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023, a copy of which has been appended as Annexure-CA-3 to the counter affidavit. The dead body of the deceased was recovered on the pointing out of co-accused Ranveer Singh Yadav, who happens to be the father of the deceased. It is further contended that the accused persons are not cooperating with the investigation and that Smt. Sudha, the mother of the deceased Anshu Yadav, has not given her sample for DNA testing. She is evading the process issued by the learned court concerned. The mobile location of the applicants as well as the other co-accused was found at the place of the incident, i.e., the Yamuna Bridge, Village Sunwara, District Etawah. The Investigating Officer is collecting evidence in the present case. If anticipatory bail is granted to the applicants, it will hamper the investigation, and the entire evidence would not be collected. The case is based on circumstantial evidence, and custodial interrogation of the applicants is required in the present case. The Investigating Officer has conducted several raids to make the arrest of the applicants successful, but the applicants are avoiding the process of the Court. The order, issuing non-bailable warrants by the learned court concerned, dated 24.02.2026 has been appended as Annexure-CA-1 to the counter affidavit. The FIR was lodged in the present matter on 13.12.2025,

and the applicants are absconding for the last seven months. The charge-sheet against co-accused Ranveer Singh Yadav has been submitted by the Investigating Officer, though the investigation against the other accused is still pending.

13. It is further contended by the learned AGA that the dead body of the deceased was carried in the car of co-accused Gaurav Yadav. It has been noted in Parcha No. 27 of the case diary dated 10.05.2026 that the mother of the deceased is still absconding. Therefore, her DNA sample could not be obtained. If the accused persons had not committed the offence, they would have come forward to give their samples. It is further contended that the case laws relied upon by the learned Senior Counsel appearing for the applicants are not applicable to the facts of the present case. A heinous offence has been committed by the applicants. The power under Section 482 of the BNSS is an extraordinary remedy, has to be exercised sparingly; more so in heinous offences. There was no reason for the informant to falsely implicate the present applicants. The extraordinary power cannot be exercised in a routine manner.

14. I have heard the rival submissions of learned counsel for the parties and perused the record.

15. In the case of **Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396**, the Hon'ble Apex Court has taken a serious view in cases of honour killing and has held that the death sentence should be awarded in such cases. It was further held that a person can be convicted on circumstantial evidence, provided that the links in the chain of circumstances connect the accused with the crime beyond reasonable doubt. The Investigating Officer is collecting evidence in the present case to connect the applicants with the crime. In case anticipatory bail is granted to the applicants, it would hamper the investigation. The applicants have been nominated in the FIR. A video was sent by the deceased prior to her murder, wherein the names of the applicants were also taken by the deceased. The applicants are evading the process of the Court, though non-bailable warrants have been issued by the learned court concerned vide order dated 24.02.2026. In several cases, it has been held by the Hon'ble Apex Court that if an accused does not appear to cooperate with the investigation, he is not entitled to anticipatory bail. It has also been held that an anticipatory bail application is not maintainable if a non-bailable warrant has been issued or proceedings under Section 82

Cr.P.C./Section 84 of the BNSS have been initiated. In the present matter, non-bailable warrants against the applicants have been issued on 24.02.2026. In spite of that, the applicants have been absconding for the last several months.

16. In the case of **Srikant Upadhyay and Others vs. State of Bihar and Another, (2024) 12 SCC 382**, the Hon'ble Supreme Court has held that the power to grant anticipatory bail is an extraordinary power. While called upon to exercise the said power, the Court has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice. When warrant of arrest or proclamation is issued, the applicant is not entitled to invoking extraordinary power. The relevant paragraph no. 30 of **Srikant Upadhyay (supra)** is quoted as under:

"30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant."

17. In the case of **P. Chidambaram vs. Directorate of Enforcement, (2019) 9 SCC 24**, the Hon'ble Apex Court has held that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The power under Section 438 of Cr.P.C./482 of B.N.S.S. has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The relevant paragraph no. 69

of **P. Chidambaram (supra)** is reproduced as under:

"69. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. "

18. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as **Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another, 2022 SCC OnLine SC 2528**, relevant paragraph nos.14 and 15 whereof read as under:

"14.....

74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation, Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.....

6.....

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303: 2005 SCC (Cri) 933]**, it was held as under: (SCC p. 313, para 19)*

"19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code."

76. In *Siddharam Satlingappa Mhetre v. State of Maharashtra and Others*, (2011) 1 SCC 694: (2011) 1 SCC (Cri) 514], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to *Siddharam Satlingappa Mhetre* [Siddharam

Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694: (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379: (2012) 2 SCC (Cri) 468]**, the Supreme Court held as under: (SCC p. 386, para 19)

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345]**, **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213: (2008) 1 SCC (Cri) 176]** and **Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305: (2009) 1 SCC (Cri) 1].)**"

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105: 1998 SCC (Cri) 510]**, it was held that in economic offences, the accused is not entitled to anticipatory bail."

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1**, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

"92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.

Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court."

19. Upon Considering the long line of judicial precedents, it is evident that the power to grant anticipatory bail is an extraordinary discretionary remedy and should be exercised sparingly, only in exceptional cases.

20. The Hon'ble Supreme Court in various cases, considering the judgment of **Siddharam Satlingappa Mhetre (supra)**, held that anticipatory bail can be granted in exceptional circumstances where the Court is of the view that the applicant has falsely been enrope in the crime and would not misuse his liberty. In the present matter, the applicants are absconding for the past seven months though the police have raided their house and office. They are not cooperating in the investigation.

21. In case of **Bhadresh Bipinbhai Sheth (supra)**, the Hon'ble Supreme court considered the provision of anticipatory bail. In that case, the appellant and the prosecutrix were neighbours and were known to each other. The allegations of rape, emotional blackmail and threats were levelled against the appellant therein. However, when the statement of the prosecutrix was recorded by the police officer, she again levelled the allegations of maltreatment, blackmail etc., but allegations of rape were conspicuously missing. Thereafter, the charge-sheet was submitted under Section 506 Part II of the Indian Penal Code, 1860. The appellant was admitted to bail in said case. After several years, the prosecutrix made an application for addition of charge under Section 376 IPC as well and the police filed a revised charge-sheet stating therein that a prima facie case under Section 376 IPC was also made out. The appellant applied for anticipatory bail under the added section, which was granted by the learned Sessions Court on 18.05.2013. Against the order granting anticipatory bail, the prosecutrix filed a criminal revision, which was allowed by the High Court vide the impugned order dated 18.07.2014, cancelling the anticipatory bail granted to the appellant. The aforesaid order was challenged by the appellant, and the Hon'ble Supreme Court set aside the order passed by the High Court and restored the order dated 18.05.2013 passed by the learned Sessions Court, granting anticipatory bail to the appellant in the added section.

22. However, the facts of the present case are entirely different. In the

present matter, a helpless girl was allegedly murdered by her own family members in her house. Before her death, she allegedly made a video nominating the applicants and other co-accused. Therefore, the facts of the present case are distinguishable from those of the case of **Bhadresh Bipinbhai Sheth (supra)**, and no benefit can be extended to the present applicants in view of the judgments relied upon by the learned Senior Counsel appearing for the applicants.

23. As per the averments put forth in the FIR, serious allegations have been levelled against the applicants. The investigation is at a preliminary stage, and the custodial interrogation of the applicants is necessary to unearth the truth. Learned Senior Counsel appearing for the applicants has failed to demonstrate that the case registered against them is false. At this stage, there is no material on record to hold that a prima facie case is not made out against the applicants. The material that has come on record and the preliminary investigation, appear to establish a reasonable basis for the accusations.

24. In view of this Court, the parameters of granting regular bail and anticipatory bail are different and it is not necessary that the grounds which are sufficient to enlarge an accused on regular bail must also be sufficient to enlarge them on anticipatory bail. Further, the Constitution Bench of the Apex Court in the case of **Gurbaksh Singh Sibbia and others Vs. State of Punjab, (1980) 2 SCC 565** also observed that the power to grant anticipatory bail is an extraordinary power and therefore in view of this Court being extraordinary power it cannot be used in a routine manner.

25. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicants are not entitled to be released on anticipatory bail.

26. Accordingly, the instant anticipatory bail application stands **dismissed**.

(Vivek Kumar Singh,J.)

July 27, 2026
Radhika