



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5256 of 2026

Suresh Yadav And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Janam Shahi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Office report dated 14th September, 2026 reveals that notice has been served upon opposite party no.2 personally but no one has appeared on her behalf in the Court today even in the revised reading of the list.
2. Heard learned counsel for the applicants and the learned A.G.A. for the State.
3. This application under Section 528 B.N.S.S. has been preferred by the applicants with a prayer to quash the impugned order dated 23rd December, 2025 passed by the Additional Sessions Judge, Court No.1, Azamgarh in Anticipatory Bail Application No. 5877 of 2025 (Suresh Yadav & Others Vs. State of U.P.) arising out of Case Crime No. 589 of 2024 under Sections 110, 115 (2), 352, 351 (3) and 317 (2) B.N.S. Police Station-Nizamabad District-Azamgarh only to the extent whereby the trial judge has enlarged the applicants on bail for a limited period of only 30 days while allowing the anticipatory bail application of the applicants.
4. Learned counsel for the applicants submits that during the course of investigation or till the filing of charge-sheet the applicants have not been arrested by the Police and they followed the terms and conditions of notice under Section 35 (3) of B.N.S.S. The maximum punishment under the alleged offence as alleged against the applicants is below 7 years. It is further submitted that the learned trial judge has not applied his judicial mind and illegally granted anticipatory bail to the applicants for a period of only 30 days on the anticipatory bail application of the applicants while passing the impugned order. Once the anticipatory bail application has been allowed after submission of the police report and cognizance has been taken thereupon by the court below, then there was no occasion to limit the time of 30 days to grant anticipatory bail, it must be granted till the conclusion of the trial court

imposing the normal conditions in view of the Constitution Bench Judgment of the Apex Court in the case of Sushila Aggarwal Vs. State (NCT of Delhi) reported in (2020) 5 SCC 1.

5. While granting interim protection to the applicants, this Court has passed following order on 18th August, 2026:

"1. From a perusal of the impugned order, it appears that while allowing the anticipatory bail application, the trial court has granted anticipatory bail for a period of only 30 days. In paragraph no. 6 of the impugned order reflects that the charge-sheet had already been submitted by the Investigating Officer and cognizance had been taken by the concerned trial court. However, while allowing the anticipatory bail application, the trial court has not given any specific finding as to why the anticipatory bail has been granted for a period of only 30 days. The accused/applicants would be required to seek fresh interim bail application after the expiry of 30 days, which would result unnecessary harassment of the applicants.

1. Issue notice to the opposite party no. 2 through CJM concerned returnable at an early date. Steps be taken within one week.

2. Put up as fresh on 15th September, 2026.

3. Till the next date of listing, order dated 23.12.2025 granting anticipatory bail in favour of the applicants is extended.

4. The office is directed to call for a report from the concerned trial court as to why and under which provision of law, interim bail has been granted to the applicants for a period of only 30 days.

5. The Registrar (Compliance) is directed to communicate this order to the District Judge, Azamgarh for necessary compliance."

6. Pursuant to the order of the Court dated 18th August, 2026, the concerned trial judge has sent his explanation vide his letter dated 3rd September, 2026 which has been brought on record along with the order-sheet.

7. It is settled law that any court of law like the Civil Court or the High Court or Apex Court can either allow the anticipatory bail application of the accused granting bail to him till the conclusion of the trial imposing certain conditions or to reject the bail application considering the gravity of the offence. In the explanation given by the trial judge, he has also not mentioned the peculiar facts and circumstances of the case on which he has granted anticipatory bail to the applicants for a limited period of 30 days only.

8. The explanation given by the trial court has not been found to the satisfaction of the Court. Consequently, the trial judge is directed to submit his proper explanation to the questions cropped up in the mind of this Court i.e. (i) as to in how many cases, he being Additional District and Sessions Judge, Azamgarh has granted bail to the accused for a limited period of few days like 20/30/40 days etc., (ii) what are the peculiar facts and circumstances of the case on which he has granted bail to the applicants to the limited period of 30 days, when as a matter of fact that the maximum punishment under the alleged offence levelled against the applicants is below 7 years and that they have not been arrested till filing of the charge-sheet, and (iii) now that the applicants have been granted anticipatory bail for only 30 days, what will they do after that period expires? Will they surrender before the trial judge again and move for anticipatory bail once more?.

9. List this case again on 30th September, 2026 as fresh within top ten cases.

10. Till then, interim order granted to the applicants under the order of the Court dated 18th August, 2026 shall continue in operation.

11. The Registrar (Compliance) is directed to communicate this order to the District Judge, Azamgarh for necessary compliance.

September 15, 2026
Sushil/-

(Madan Pal Singh,J.)