



2026:AHC:180917

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5770 of 2026**

Sushant Verma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vijay Pratap Singh
Counsel for Opposite Party(s) : G.A., Parth Sharma, Sanjay Vikram Singh

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Gaurav Shukla, learned counsel for the applicant, Shri Sanjay Vikram Singh, learned counsel for the informant, learned A.G.A for the State and perused the record.
2. The present application has been filed on behalf of the applicant in Case Crime No.352 of 2025, under Sections 318(4), 316(2), 338, 336(3), 340(2), 356(1) BNS, Police Station Sikandra Rao, District Hathras, with a prayer to grant him anticipatory bail.
3. The allegations levelled against the applicant and other co-accused persons are with regard to forged and fabricated documents of Agmark shown to the informant and involvement of of approximately Rs.30 Lakhs in relation to the impure and foul smell of Prakash Desi Ghee. It is specifically alleged in the FIR that the applicant did not pay Rs.5,39,154/- to the informant, though he purchased Desi Ghee from the informant's firm.
4. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case; he has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. It is further contended that the alleged incident is said to have taken place on 10.08.2024 whereas the FIR was lodged after more than one year on 14.08.2025 on the direction of the learned Magistrate passed under section 175(3) BNSS. The delay in

lodging the FIR has not been satisfactorily explained by the informant. A pure business dispute has been given the colour of criminality, and that the applicant was just a distributor of Prakash Desi Ghee from the firm of the informant. The applicant paid a huge amount to the informant; a copy of detail of statement of the bank, showing transactions between the applicant and the informant's firm, has been appended as Annexure-7 to the affidavit, which has not been denied by the informant in her counter affidavit. It is further submitted that the applicant received other complaints in respect of sub-standard quality of Prakash Deshi Ghee and the informant agreed to take back the product and promised to pay outstanding balance to the applicant. In order to usurp the amount of the applicant, the informant lodged the present FIR. It is further contended that the sub-standard Desi Ghee was supplied by the informant under the trade mark and logo of Brij Active Group, which belongs to the informant's firm. No specific allegation of manufacturing, supplying or forging any documents has been made against the applicant. The applicant is merely a trader/business associate and the dispute, if any, pertains to business transactions. The allegation regarding non-payment of Rs.5,39,154/- is purely civil in nature and relates to business settlement. The applicant was never involved in preparation, labeling, or licensing of sub-standard Desi Ghee. A false allegation of threat has been levelled against the present applicant.

5. It is further contended that the applicant was not involved in any kind of cheating, forgery, etc. The informant is in the habit of blackmailing different business associates, and that she used to lodge false FIR to settle the score. She has lodged another FIR bearing Case Crime No.95 of 2025 against one Rajesh Kumar, Proprietor of R.K. Enterprises, and similar allegations were levelled in that FIR also. It is further contended that the applicant has no previous criminal antecedent to his credit. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail, shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

6. On the other hand, learned A.G.A. as well as learned counsel for the informant have opposed the application for anticipatory bail and submitted that in the FIR of Case Crime No.95 of 2025, chargesheet was submitted by the investigating officer on 10.05.2025 and the learned court concerned took cognizance of offence vide order dated 28.07.2025, therefore, at this stage, it cannot be said that the applicant is habitual of lodging false FIRs. It is also submitted that the applicant has hands in gloves with the other co-accused and payment of the informant to the tune of Rs.5,39,154/- has not been made by the applicant. The applicant has made forged documents, and his anticipatory bail application is liable to be rejected, since the allegations, *prima facie*, make out a case against the applicant.

7. I have heard the rival submissions of both sides and perused the record.

8. The first information report was lodged on the direction of the learned Magistrate, passed under Section 175 (3) BNSS. As per the allegations, the applicant has to pay an amount of Rs.5,39,154/- to the informant. The FIR was lodged after a long delay, which has not been satisfactorily explained by the prosecution. *Prima facie*, it appears that a business dispute has been dragged into criminal courts. The applicant has no criminal antecedents to his credit. It is not denied by the informant in her counter affidavit that she did not receive any amount into the bank account of her firm. Both sides alleged that their outstanding amounts are pending against each other. In view of the facts and circumstances of the case, the custodial interrogation of the applicant is not required in this matter.

9. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory 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 including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that 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.

10. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

11. Considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

12. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicant- **Sushant Verma**, involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on his furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station or the court concerned;

(ii) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(iii) 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/her from disclosing such facts to the Court or to any police officer; and

(iv) The applicant shall not leave India without the previous permission of the Court.

13. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

(Vivek Kumar Singh,J.)

August 31, 2026
Nitendra