



2026:AHC:180899

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.  
- 8203 of 2026**

Devi Prasad Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

---

Counsel for Applicant(s) : Prakhar Srivastava, Pramod Kumar  
Pandey

Counsel for Opposite Party(s) : G.A.

---

**Court No. - 71**

**HON'BLE RAJIV LOCHAN SHUKLA, J.**

1. Heard Learned counsel for the applicant and Learned A.G.A. for the State as well as perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.44 of 2001, under Sections 409,420 I.P.C. at Police Station- Todi Fetahpur, District Jhansi, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. Learned AGA has at the outset pointed out that the first information report has been lodged on 18.04.2001, non-bailable warrants are pending execution against the applicant since 2003 and proclamation under Section 82 Cr.P.C. has also been issued against the applicant. The applicant had filed an application before this Court being Application Under Section 482 No.19493 of 2019 which was disposed of granting time to the applicant to surrender before the concerned Court. The applicant did not comply with the said order. Thereafter, the applicant again preferred an Application Under Section 528 BNSS No.21664 of 2026 which was also disposed of by this Court by the order dated 25.05.2026 granting four weeks further time to the applicant to put in appearance before the concerned Court. The applicant still did not appear and has filed the present anticipatory bail application. The applicant is an absconder and may not be considered for grant of anticipatory bail.

4. Replying to the objections, learned counsel for the applicant has stated that the applicant retired in the year 2014. He is an old person aged about 73 years and due to unforeseen circumstances could not appear before the concerned Court.

5. I have considered the submissions made by the Learned counsels for the parties.

6. The first information report has been lodged in the year 2001. The non-bailable warrants are pending execution against the applicant since 27.09.2003. The applicant had appeared before this Court in Application Under Section 482 No.19493 of 2019 seeking quashing of the charge-sheet dated 31.12.2002, quashing of the cognizance order dated 11.03.2003 and the non-bailable warrants dated 28.10.2004 as well as quashing of the entire proceedings of the case. This Court by the order dated 16.05.2019 dismissed the prayer with respect to quashing of the orders as mentioned above. Taking note of the peculiar facts and circumstances of the case, it was directed that in case the applicant after surrendering before the concerned Court moves an application for bail, the same shall be considered and decided in accordance with law and for a period of three weeks from the date of the order, no coercive action was directed to be taken against the applicant. The said order indicates that the applicant was aware of the existence of non-bailable warrants and pendency of the proceedings before the concerned Court. The applicant chose not to appear before the Court concerned and again filed an application under Section 528 BNSS. This Court then proceeded to grant interim protection to the applicant for a period of four weeks so that the applicant may appear before the concerned Court and if the applicant preferred a bail application, the same was directed to be considered in accordance with law and again for a period of four weeks interim protection in the form of no coercive action was granted to the applicant.

7. Despite repeated indulgence to the applicant by this Court, the applicant has chosen not to appear before the concerned Magistrate. As noticed above, non-bailable warrants are pending execution against the applicant since 2003. In the opinion of the Court, the applicant is an absconder and he cannot be considered for grant of anticipatory bail. This

anticipatory bail application is hereby ***rejected***.

8. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

**(Rajiv Lochan Shukla,J.)**

**August 31, 2026**  
A. Pandey