



2026:AHC:178987

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 6369 of 2026**

Santosh Kumar Kesharwani

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pranesh Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court on 03.07.2026 passed the following order:-

"1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.483 of 2025, under Sections 351(3), 352, 340(2), 336(3) & 338 of B.N.S., P.S. - Jhunsi, District- Prayagraj/City (Commissionerate Prayagraj), with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.

3. The Learned counsel for the applicant contends that the applicant is an old man aged about 72 years. The wife of the applicant has died in the month of June, 2026 and due to the extreme pressure of the police the applicant is unable to even grieve for his wife. The applicant has a criminal history of one old case of the year 1987, in which the applicant has yet not been convicted.

4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of anticipatory bail and has contended that the applicant is one of the nominated accused in the First Information Report. The Learned A.G.A., however, has been unable to dispute the explanation given by the applicant with respect to his criminal antecedents.

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

6. The co-accused viz. Saurabh Singh, Shubham Singh and Kamta Prasad Gupta have been granted interim protection by a Division Bench of this Court vide its order dated 11.02.2026 passed in **Criminal Misc. Writ Petition No.2366 of 2026 (Saurabh Singh and 2 Others Vs. State of U.P. and 2 Others)** and their arrest has been stayed. The First Information Report has been lodged on the basis of an application under Section 173(4) BNSS against the applicant. The claim of the informant is that the applicant had sold the property which was belonging to the informant. The applicant is an old man aged about 72 years.

7. Taking into account the submissions made by the Learned counsel for the parties, a prima facie case for interim relief is made out.

8. List on 22.07.2026.

9. Till the next date of listing, in the event of arrest of the applicant - **Santosh Kumar Kesharwani**, involved in the above-mentioned case, he shall be released on **interim anticipatory bail** on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse

the liberty of bail.

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

(v) The applicant shall not pressurize/intimidate the prosecution witness;

10. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

11. In the meantime, the Learned A.G.A. may obtain complete instructions regarding the material collected during the course of the investigation against the applicant."

2. Today, when the case has been called on, learned A.G.A. states that he has received instructions and in the instructions received by him the applicant has no criminal antecedents.

3. Learned counsel for the applicant has reiterated the submissions as recorded in the earlier order. Learned counsel has further submitted that the applicant has been nominated in the F.I.R. with the allegation that the applicant had got a forged sale deed executed in his favour of the property belonging to the informant.

4. The Learned A.G.A. has opposed the prayer for bail, however, could not dispute the factual assertions made by the Learned counsel for the applicant.

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

6. The applicant is an old man aged about 72 years. He has no reported criminal antecedents except one case of the year 1987, which although has not been shown in the instructions of the learned A.G.A., however, the applicant has disclosed the same in paragraph No. 34 of the affidavit accompanying the anticipatory bail application. The applicant is on interim anticipatory bail under the orders of this Court and is not stated to

have misused the same. Charge sheet as against the other co-accused has already been filed.

7. In view of the above, I deem it appropriate to confirm the interim anticipatory bail granted to the applicant by the previous order of this Court dated 03.07.2026.

8. The anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant **Santosh Kumar Kesharwani**, he shall be released forthwith in the Case Crime No.483 of 2025, under Sections 351(3), 352, 340(2), 336(3) & 338 of B.N.S., P.S. - Jhunsi, District- Prayagraj/City (Commissionerate Prayagraj), on anticipatory bail on the same terms and conditions as provided in the order dated 03.07.2026.

(Rajiv Lochan Shukla,J.)

August 21, 2026
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