



2026:AHC:171746

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1610 of 2025**

Rajesh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dushyant Singh, M.C. Singh
Counsel for Opposite Party(s)	:	G.A., Kapil Tyagi, Sitaram Patel

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. This is specially assigned matter in which the interim anticipatory bail has already been granted.

1A. Sri Sanjay Kumar Tiwari, learned advocate, holding the brief, appears for the applicant, Sri Sitaram Patel, learned counsel for the informant and learned AGA for the State are present.

2. This Court in order dated 7.7.2026 directed the State to file supplementary affidavit stating therein whether the conditions imposed in the order granting interim anticipatory bail has been complied with by the accused applicant. The supplementary affidavit is on record.

3. This Court in order dated 6.3.2025 has granted interim anticipatory bail. The order is reiterated underneath:

"1. Connect with Criminal Misc.Anticipatory Bail Application u/s 438 Cr.P.C. No. 10752 of 2024 (Jugla vs. State of U.P. and another).

2. Heard Sri Dushyant Singh, learned counsel for the applicant; Sri Kapil Tyagi, learned counsel for the informant, learned A.G.A for the State and perused the record.

3. The instant Anticipatory Bail Application has been filed with a prayer to grant anticipatory bail to the applicant during pendency of trial in respect of the impugned summoning order dated 21.08.2024, registered as Complaint Case No.43401 of 2023, under Sections 420, 467, 468, 471, 447 IPC, P.S. Rabupura, District- Gautam Budh Nagar during pendency

of trial.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. Instant complaint has been lodged with malicious intention to harass the applicant. Investigating Officer has submitted final/closure report, thereafter, on protest application of the informant, learned Magistrate treated the same as complaint case and summoned the applicant by order dated 21.08.2024. Summoning by learned Magistrate is without application of judicial mind. He next submits that the co-accused Jugla and Jeetu, have been granted interim anticipatory bail by this Court by orders dated 28.11.2024 and 18.02.2025 respectively. Applicant's case is similar with co-accused who have been granted interim anticipatory bail. The applicant has no criminal history to his credit. In case, the applicant is released on bail, he would not misuse the liberty of bail and would co-operate with the trial proceedings. Applicant has definite apprehension of his arrest by the police.

5. Issue notice to opposite party no. 2 returnable at an early date.

6. List this case immediately after service of notice.

7. As an interim protection, till the next date of listing fixed for hearing on this application, the applicant is granted anticipatory bail in the aforesaid case. The applicant shall be released on interim anticipatory bail on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall make himself available on each and every date fixed by the court and shall co-operate with trial proceedings.

(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 from disclosing such facts to the Court or to any police officer;

(iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P./C.P./A.C.P concerned.

(iv) The applicant shall not tamper with the evidence during the trial.

(v) The applicant shall not pressurized/intimidate the prosecution witness.

(vi) The applicant shall appear before the trial court on each date fixed unless personal presence is exempted. "

4. In this case, the FIR has been lodged with the allegation that the accused had encroached the kabristan land and tried to sell it. Final report has been submitted in favour of the accused applicant. The trial court has converted the same into the complaint. The appellant is continuously appearing before the trial court but the trial is still at the nascent stage. The directions in the interim anticipatory bail are being complied with by the applicant.

5. Hence, the interim order is confirmed. The anticipatory bail application is **allowed**.

6. The **applicant- Rajesh** involved in the aforesaid case crime shall appear before the trial court within 30 days from the date of this order and shall produce a copy of this order, whose previous bail bonds shall be considered for his enlargement on anticipatory bail, with following conditions :-

(i) 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 from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he/she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Avnish Saxena,J.)

August 14, 2026
Krishna*