



2026:AHC:174721

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7620 of 2026

Ankit Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar, Ramesh Chandra Yadav
Counsel for Opposite Party(s) : G.A., Syed Mohammad Abbas Abdy

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant; learned A.G.A. for the State; and Sri Syed Mohammad Abbas Abdy, learned counsel for the informant.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 377 of 2025, under Sections 61(2), 318(4), 336(3), 338, 340(2), 308(3), 352, and 351(3) of the B.N.S., 2023, Police Station – Babupurwa, District Kanpur Nagar, with a prayer to enlarge him on anticipatory bail, as the applicant apprehends his arrest in the aforesaid case.
3. The learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case. He is the brother-in-law of the co-accused, Shailendra Kumar Sharma and has been falsely nominated in the case being a marginal witness of the disputed sale deed executed by Arun Kumar Awasthi, in favour of co-accused Ajay Prakash Agnihotri, Shailendra Kumar Sharma and Surendra Sharma. The allegation is that the property, which was sold by Arun Kumar Awasthi, was not the sole property of Arun Kumar Awasthi but was also of his four brothers and the accused getting a false declaration, were able to mutate the name in the municipal records of Arun Kumar Awasthi and got the sale deed executed in their favour. The learned counsel has further contended that one of the marginal witnesses is Rimjhim Tripathi and the other is the applicant. The learned counsel has contended that the applicant was employed as a marginal witness only due to the fact that he is the brother-in-law of the co-accused Shailendra Sharma. He is not the

beneficiary of the property and does not, in any manner, have any claim over the property in question. There is no money trail linking the applicant to the transactions in question.

4. Sri S.M.A.Abby, learned counsel for the informant, has opposed the prayer for grant of bail and has contended that not only was a fake sale deed got executed in favour of the three accused with the applicant as a marginal witness thereafter the property was then sold to the informant-Company which is Radha Raman Shishya Sampradaya Foundation. The learned counsel has further contended that in fact in the civil suit, the informant's foundation had to enter into a compromise with the other owners of the property just to save their title. More than two crores has been paid towards the sale consideration and the applicant and the other accused have misappropriated the said amount by making forged documents. The learned counsel further contends that the argument that the applicant is a mere marginal witness would not come to the aid of the applicant as the other marginal witness in the disputed sale deed is Rimjhim Tripathi who is the daughter of Arun Kumar Awasthai who had usurped the property of his brothers.

5. I have considered the submissions made by the learned counsel for the parties.

6. The applicant is not a previous convict. One other criminal case that has been shown against the applicant does not in the event of conviction entail an imprisonment of more than seven years. The applicant is stated to be a marginal witness of the disputed sale deed executed by Arun Kumar Awasthi in favour of other co-accused. There is no direct evidence to show that the applicant received any part of the sale consideration which is said to have been usurped by the co-accused while executing the sale deed in favour of the informant's foundation. The case of the applicant stands on a different footing from that of the co-accused Ajay Prakash Agnihotri, Shailendra Kumar Sharma and Surendra Sharma.

7. Taking into consideration the entire facts and circumstances of the case, in the prima facie opinion of the Court, also taking note of the fact that the applicant had been granted interim protection during the pendency of the investigation, a case for grant of anticipatory bail is made out.

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

9. In the event of the arrest of the applicant- **Ankit Sharma**, involved in the aforesaid case crime, he shall be released on anticipatory bail, on his furnishing a personal bond and surety 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 make himself available for interrogation by a police officer as and when required;
- 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 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;
- iv. The applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. 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 19, 2026
Kushal