



2026:AHC:165395

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7737 of 2026

Pratyush Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar, Mukesh Joshi
Counsel for Opposite Party(s)	:	Ajay Kumar Srivastava, G.A.

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 Ajay Kumar Srivastava, learned counsel for the informant.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 16 of 2025, under Sections 320, 332(c), 335, 336(3), 338, 340(2), 61(2) of the B.N.S., 2023, Police Station – Naubasta, 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 contends that the applicant is a bona fide purchaser of the property in question. He has not committed any fraud. He further contends that the property in question was purchased from the co-accused Brij Bihari. The marginal witness in the sale deed, Saksham Sonkar, has been granted anticipatory bail by this Court in NABAIL No. 6438 of 2026, vide order dated 17.07.2026. The applicant has also filed an original suit being O.S. No. 1692 of 2024 against the informant, in which an interim injunction in the form of status quo over the property is operating in his favour. It is further contended that the informant himself filed a civil suit being O.S. No. 1277 of 2025 for permanent injunction, which is also pending consideration. The learned counsel has further submitted that the applicant had filed a writ petition being Criminal Misc. Writ Petition No. 1508 of 2025, in which this Court vide order dated 24.01.2025 was pleased to stay the arrest of the applicant till submission of the police report. He further contends that the applicant then challenged the proceedings and the charge sheet by means of an

application under Section 528 BNSS No. 24282 of 2025, in which this Court, vide order dated 17.09.2025, was pleased to grant interim protection in the form of no coercive action being taken against the applicant. However, the same was finally dismissed by this Court vide the order dated 16.01.2026.

4. Against the said order, the applicant then preferred a Special Leave to Appeal (Criminal) No. 3256 of 2026, which was finally disposed of by the Supreme Court with a direction that the applicant should prefer a discharge application before the trial Court, and if such application is filed by the applicant, then the trial Court shall look into the charge-sheet papers and decide the same in accordance with law. He further contends that the Supreme Court clarified that the discharge application shall be decided without being influenced by any of the observations made by the High Court.

5. The learned counsel for the applicant contends that post the order of the Supreme Court, the applicant applied for anticipatory bail as he apprehends that he will be arrested and sent to jail as one of the offences alleged against the applicant is Section 338 B.N.S., in which life imprisonment as one of the punishments prescribed. The applicant has a criminal history of five cases. However, in one case he has been acquitted, in other cases he is on bail, and in one case interim protection has been granted by this Court in criminal writ till filing of the police report. He is not a previous convict.

6. The learned counsel for the informant has opposed the prayer for grant of bail and has contended that the applicant claims to be an advocate. He has five criminal cases registered against him. By making forged documents, a fake sale deed of the property which belongs to the informant, has been used for the purposes of obtaining an interim injunction from the civil Court. The learned counsel has stated that even the said injunction is of the status quo. He further contends that mere awarding of the interim injunction by the civil Court would not be considered to be any declaration of title in favour of the applicant. He further contends that in the investigation, it has been found that the applicant and the co-accused Brij Bihari have committed forgery. A charge sheet has now been submitted and even the findings of the High

Court clearly bring out the offence against the applicant. He further contends that the applicant, who has a long criminal history, may not be considered for grant of anticipatory bail as he has a propensity to repeat the crime.

7. The learned A.G.A. has adopted the submissions made by the learned counsel for the informant, however, has not disputed the explanation of the criminal antecedents of the applicant.

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

9. The co-accused Saksham Sonkar has been granted anticipatory bail by this Court on consideration of the entire facts and circumstances of the case. An interim injunction in the form of status quo is operating in favour of the applicant. On a pointed query made to the learned counsel for the informant regarding the civil suit filed by the informant, the learned counsel for the informant has stated that no suit for cancellation of the sale deed has been filed. However, the suit has been filed for permanent injunction. The parties both claim their title over the same property. Civil suits are pending consideration before the concerned Courts. The applicant, although has a criminal history, however taking into account the fact that the applicant had been granted interim protection during investigation and is no longer required for any custodial interrogation, I deem it appropriate to consider the applicant for grant of anticipatory bail.

10. This Court has also taken note of the fact that the Supreme Court while passing directions for consideration of the discharge application of the applicant has clearly stated that the trial Court shall not be influenced by any observations made by the High Court while rejecting the application under Section 528 BNSS of the applicant.

11. In view of the facts and circumstances of the case, this application for grant of anticipatory bail is allowed.

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

13. The applicant - **Pratyush Kumar**. shall appear before the trial Court within three weeks from today and shall be released on bail on filing his personal bond and sureties in the like amount to the satisfaction of the Court concerned with the following conditions:-

- i. The applicant shall remain present before the trial Court on each date fixed unless exempted by the trial Court;
- 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;

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

15. 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 7, 2026
Kushal