



2026:AHC:180929

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8772 of 2026**

Krishna Chandra And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Pramod Kumar Singh, Tripathi
B.G.Bhai

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

Court No. - 68

(Sl. No. 209 out of 506)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Tripathi B.G.Bhai, learned counsel for applicants as well as Sri V.K.S. Parmar, learned A.G.A. for State and also perused the material available on record.
3. The present application for anticipatory bail has been filed for protection in regard to Criminal Case No. 2051 of 2021, FIR/Case Crime No. 0006 of 2021, under Sections 419, 420, 467, 468, 471, 120-B IPC I.P.C., P.S.- Trilokpur, District- Siddharth Nagar.
4. This is the second anticipatory bail application filed on behalf of the applicants. The first one was rejected by a co-ordinate Bench of this Court vide order dated 24.2.2021 passed in Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No. 3951 of 2021.

ARGUMENTS ON BEHALF OF APPLICANT:

5. As a new ground, learned counsel for the applicants has stated that the co-accused persons Ms. Neetu Gupta and Ravi Gupta have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.4.2026 passed in Criminal Misc. Anticipatory Bail Application U/s 482 BNSS No. 2471 of 2026, as such, applicants are also entitled for

anticipatory bail on the ground of parity.

6. The final report (charge sheet) was filed on 10.5.2021 and no notice has been issued to the applicant. There is no fault of him in not co-operating with the trial. It is further submitted that the applicants have no criminal antecedents. In case, the anticipatory bail application of the applicants is allowed, they will not misuse the liberty and shall cooperate with trial.

ARGUMENTS ON BEHALF OF OPPOSITE PARTY/STATE:

7. The prayer for anticipatory bail has been opposed.

CONCLUSION:

8. The conduct of the accused in evading the process of Court, resulting in delay of trial for a period of nearly five years is nothing but misuse of process of law. This Court and several other Courts, including the Supreme Court, have consistently held that an accused, who creates hindrances by concealing himself and violates the summon to the authority of law, forfeits the privilege of anticipatory bail. The accused herein have approached the Supreme Court seeking relief and have failed there, thus, their repeated attempts tantamount to forum shopping.

9. In *Kartarey and others Vs. The State of U.P. (1976) 1 SCC 172*, the Supreme Court has opined that to be an 'absconder' in the eye of law, it is not necessary that a person should have run away from his home, it is sufficient if he hides himself to evade the process of law, even if the hiding place be his own home.

10. This Court observed that applicant misused the process of anticipatory bail. The applicant had agitated the anticipatory bail application before the Supreme Court by filing S.L.P. Criminal No. 5630 of 2021 and the same was dismissed vide order dated 19.8.2021, as such, applicant has misused the provision, as he is dilly dallying.

11. Considering the rival submissions advanced by the learned counsel for the parties and also the facts of the case, I do not find it a fit case for grant of anticipatory bail to the applicants as the arguments advanced by learned counsel for the applicants pertains to regular bail application and

cannot be agitated u/s 482 BNSS at this stage.

12. In view of the above, the present anticipatory bail application of the applicants **Krishna Chandra and Harishyam** is found devoid of merits and is, accordingly, **rejected**.

(Krishan Pahal,J.)

August 31, 2026
Shalini