



2026:AHC-LKO:40509

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1069 of 2026**

Abhishek Tiwari @ Raka

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ambrish Kumar Pandey, Abdul
Rafique

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

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel the applicant and learned A.G.A. for the State.
3. The present anticipatory bail application has been filed by the applicant with the prayer to grant him anticipatory bail in FIR No. 98 of 2026 under Section 2, 3(1) of U.P. Gangster Act, Police Station Kamlapur, District Sitapur.
4. Learned counsel for the applicant submits that prior to 5.01.2026, the applicant was implicated in one case in which he was named and he was taken into custody on 5.01.2026 by the police only with the intention to show good work. The applicant was implicated in 11 cases on the basis of confessional statement, thereafter, he was also implicated in the present case. He further submits that the applicant was also victimized in police custody, after that, he filed Criminal Misc. Writ Petition No. 3716 of 2026, (Abhishek Tiwari vs State of U.P.), with a prayer for direction to conduct investigation of the case by CBCID or any independent agency, and the said petition is pending. In the aforesaid petition, personal affidavit was filed by the Superintendent of Police, in which, he admitted that involvement of the applicant was found on the basis of disclosure

statement of the applicant. He also submits that applicant is ready to cooperate in the investigation, hence, he may be enlarged on anticipatory bail.

5. Learned A.G.A. opposes prayer of the applicant. However, he does not dispute the fact that observation made by the writ Court in the aforesaid petition on 12.05.2026, that in the personal affidavit filed by Superintendent of Police, he admitted that involvement of the applicant was found on the basis of disclosure statement.

6. Considering the submissions of learned counsel for the parties and going through the contents of the bail application as well as other relevant documents, it is evident from the record that merely on the basis of confessional statement, the applicant was implicated in 11 cases after arrest on 5.01.2026. Therefore, this Court is of the view that the applicant is entitled for interim anticipatory bail. In case the applicant is taken into custody, he shall be released forthwith on interim anticipatory bail by arresting officer, after taking personal bond of **Rs. 50,000/-** and two sureties each in the like amount with the following conditions:-

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(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 or tamper with the evidence.

(iii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

7. List this case on 10.08.2026.

- 8. By the next date, the respondents may file counter affidavit.
- 9. On the next date, the bail application will be decided finally.

(Rajeev Singh,J.)

June 8, 2026
Arpan