



2026:AHC-LKO:19779

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 535 of 2022**

Santosh Kumar Tiwari

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sudhir Pande, Rajendra Kumar
Counsel for Opposite Party(s)	: G.A.

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

Case is called out in the revised list. No one is present on behalf of applicant to press the instant anticipatory bail application. Learned A.G.A. is present for the State.

The present anticipatory bail application has been filed on behalf of the applicant in Complaint Case No.71 of 2007, Case Crime No.14 of 1998, under Sections 420, 467, 468, 469, 471, 120B IPC and Sections 7/13(d) r/w 13(2) of PC. Act, Police Station Chilla, District Banda, with a prayer to enlarge him on anticipatory bail.

The Co-ordinate Bench of this Court vide order dated 14.11.2022 has passed the following order granting interim anticipatory bail to the applicant:-

"Heard Sri Narendra Gupta, learned counsel for the applicant, learned AGA for the State and perused the material available on record.

This is the second bail application. The first bail application was dismissed as withdrawn.

The present anticipatory bail application has been filed on behalf of the applicant in Complaint Case No.71 of 2007, Case Crime No.14 of 1998, under Sections 420, 467, 468, 469, 471, 120B IPC and Sections 7/13(d) r/w 13(2) of PC. Act, Police Station Chilla, District Banda, with a prayer to enlarge him on anticipatory bail.

As per prosecution story, various loans were sanctioned to various farmers under the Integrated Rural Development Programme Scheme and Special Component Plan in the year 1994-95. Various documents were annexed pertaining to the said loan. The applicant is stated to be the proprietor of Jaideep Gramodyog Sansthan, Pailani, Banda which deals as a travels agency operator.

Learned counsel for the applicant has argued that the applicant has nothing to do with the said offence. He has not provided any fake receipts to the farmers pertaining to any loan whatsoever. Learned counsel for the applicant stated that the FIR was lodged on 09.03.1989 and the charge-sheet was filed on 24.09.2007. Learned counsel for the applicant has stated that the public servants who were also arrayed as accused persons in the FIR have not been accorded the sanction for prosecution under Section 197 Cr.P.C. and 19 of P.C. Act. Learned counsel for the applicant has further stated that he is private person and no prosecution under the P.C. Act can be initiated against him. Learned counsel for the applicant has further stated that he filed a petition under Section 482 Cr.P.C. wherein the proceedings were stayed by this Court vide order dated 29.04.2009 which remain operative till 10.11.2017. The applicant herein filed another petition under Section 482 Cr.P.C No.3733 of 2021, wherein an order was passed by this Court on 07.10.2021, which reads as under:-

"On due consideration to the arguments advanced by learned counsel for the parties as well as perusal of the record it is provided that in case the petitioner moves appropriate bail application before the learned trial court within ten days from today the same shall be decided expeditiously in view of the law laid down by the Supreme Court in the case of Aman Preet Singh (supra) within a period of one week thereafter. Thereafter if the petitioner moves an application for discharge within further period of two weeks the same shall be decided expeditiously within a further period two months by the learned trial court"

In compliance of the said order dated 07.10.2021, the applicant filed anticipatory bail application in the court concerned, which was dismissed vide order dated 30.10.2021. Learned counsel for the applicant has stated that the applicant has co-operated during investigation and has not misused the liberty granted by the High Court. There is no likelihood of him absconding during the trial whatsoever. Learned counsel for the applicant undertakes that he will cooperate in the investigation failing which the State can move appropriate application for vacation of the interim protection.

Learned A.G.A. has opposed the prayer for grant of anticipatory bail but unable to dispute the submissions raised by the learned counsel for the applicant.

Matter requires consideration.

Learned AGA is granted three weeks' time to file counter affidavit.

Rejoinder affidavit, if any, may be filed within a week thereafter.

List this case on 08.08.2022 in the additional cause list.

On due consideration to the arguments advance by learned counsel for the applicant as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicant, the applicant, as an interim measure, is liable to be enlarged on anticipatory bail in view of the Constitution Bench judgment of Supreme Court in the case of "Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

In the event of arrest, the accused-applicant- Santosh Kumar Tiwari shall be released forthwith in the aforesaid case crime (supra) on interim anticipatory bail on furnishing a personal bond of Rs.50,000/- and two sureties each in the like amount to the satisfaction of the arresting officer/investigating officer/S.H.O. concerned on the following conditions:-

(i) the applicant shall make himself available for interrogation 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; and

(iii) the applicant shall not leave India without the previous permission of the Court.

It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial or deciding the regular bail application. "

Learned counsel for the applicant submits that the applicant has been released on interim anticipatory bail after filing of the personal bonds and two sureties in compliance of the aforesaid order. Charge-sheet in this case is already filed. He has duly cooperated in the investigation. He has not misused the liberty of interim anticipatory bail granted by the Court. He undertakes to cooperate in the trial and in case, he is enlarged on anticipatory bail, she shall not misuse the liberty of same.

Learned A.G.A. opposed the prayer for anticipatory bail but could not dispute the aforesaid facts as argued by the learned counsel for the

applicant.

Without expressing any opinion on the merits of the case and considering the nature of accusation so also the fact that charge-sheet is already filed, the applicant has not misused the liberty of interim anticipatory bail granted by the Court coupled with the undertaking given by the applicant that he will cooperate in the trial, the interim protection granted by the coordinate bench of this Court vide order dated 14.11.2022 is made absolute in view of dictum of Apex Court in re: ***Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98.***

In view of the aforesaid, the anticipatory bail application is **allowed.**

(Rajeev Bharti,J.)

March 18, 2026

Arti/-