



2026:AHC-LKO:19814

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 607 of 2022**

Suresh Kumar Shukla

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Kishor Pandey
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 Crime No.0538 of 2020, under Sections 409 and 420 IPC, Police Station Pura Kalandar, District Ayodhya (Faizabad), with a prayer to enlarge him on anticipatory bail.

The Co-ordinate Bench of this Court vide order dated 27.04.2022 has passed the following order granting interim anticipatory bail to the applicant:-

"Heard Sri Ajay Kishor Pandey, learned counsel for the applicant, learned AGA for the State and perused the material available on record.

The present anticipatory bail application has been filed on behalf of the applicant in Crime No.0538 of 2020, under Sections 409 and 420 IPC, Police Station Pura Kalandar, District Ayodhya (Faizabad), with a prayer to enlarge him on anticipatory bail.

Learned counsel for the applicant has submitted that co-accused person, Aniruddh Prasad Pandey, has already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 27.01.2021 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.150 of 2021. Therefore, the present applicant is also entitled for anticipatory

bail on the ground of parity. 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.

The prayer for anticipatory bail has been vehemently opposed by the learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by him.

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 06.09.2022 in the additional cause list.

On due consideration to the arguments advanced 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 on the ground of parity and 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- Suresh Kumar Shukla 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. 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 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 27.04.2022 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/-