



2026:AHC-LKO:19784

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 842 of 2022**

Chandrapal

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Hemant Kumar Pandey, Nishit Mishra,
Yogeshwar Sharan Srivastava
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.

By means of the present application the applicant has prayed that he may be enlarged on anticipatory bail in the event of his arrest in F.I.R./Crime No.0007 of 2021 registered under Sections 406, 420, 467, 468, 471 of IPC at Police Station - Kotwali City, District Hardoi.

The Co-ordinate Bench of this Court vide order dated 02.06.2022 has passed the following order granting interim anticipatory bail to the applicant:-

"1. Heard Sri Y. S. Srivastava, learned counsel for applicant as well as learned Additional Government Advocate for the State and perused the records.

2. By means of the present application the applicant has prayed that he may be enlarged on anticipatory bail in the event of his arrest in F.I.R./Crime No.0007 of 2021 registered under Sections 406, 420, 467, 468, 471 of IPC at Police Station - Kotwali City, District Hardoi.

3. Learned counsel for applicant has submitted that the applicant was driving truck No.UP21CN-9595 which was intercepted by the Transport Department and was booked for the offences under Motor Vehicles Act. In order to get the truck released the owner of the truck produced a fabricated receipt of Rs.85,000/- alleged to have been deposited in Government Treasury and had got the truck released. It is, thereafter, that Section 467 IPC was also included.

4. In support of the application learned counsel for the applicant has submitted that the applicant was only driving the vehicle and he has no role to play in either preparation or deposit of the amount of Rs.85000/- in Government Treasury or obtaining the said receipt which is alleged to have been done by the owner/Manager of the transport company. It is further submitted that the applicant does not have any criminal history and undertakes to cooperate in the investigation. It is further submitted that the case of the applicant is clearly distinguishable from the case of co-accused Ravil, who is the alleged owner and has been responsible for preparation of the fabricated false documents submitted for release of the said truck. Prima facie the arguments of learned counsel for the applicant have force .

5. The prayer for anticipatory bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspects of the case could not been disputed by him. He prays for and is granted three weeks' time to file counter affidavit.

6. List this case on 29.06.2022.

7. Considering the above aspects of the matter and without entering into the merit of the case, nature of accusations and antecedents of the applicant, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C. till the next date of listing on the ground of parity and in view of the judgment of Supreme Court in the case of "Shri Gurbaksh Singh Sibbia and others vs. State of Punjab (1980) 2 SCC 656. The future contingencies regarding the anticipatory bail being granted to the applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

8. Till the next date of listing, accused-applicant, namely, Chandrapal, in the event of his arrest in connection with aforesaid case crime, shall forthwith be released on bail on furnishing a personal bond and two sureties in the like amount to the satisfaction of the Arresting officer/Investigating Officer/ S.H.O. concerned on the following conditions:-

(i) That the accused-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

(ii) That the accused-applicant shall not leave India without the previous permission of the Court.

(iii) That the applicant shall not pressurize/intimidate the prosecution witness.

(iv) That the applicant shall appear before the trial court on each date fixed unless personal presence is exempted.

(v) That in case of breach of any of the above conditions the court below shall have the liberty to cancel the bail.

9. The papers regarding bail submitted to the police officer on behalf of the accused/applicant shall form part of the case diary and would be submitted to the court concerned along with same at the time of submission of report under Section 173(2) Cr.P.C.

10. Under Part-III, Chapter- XVIII, Rule-18[3(a)] of the Allahabad High Court Rules, 1952 (amended), a copy of the bail application along with its enclosures be provided to the learned A.G.A. by learned counsel for applicant, within two days from today, without fail."

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 02.06.2022 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-