



2026:AHC:55752

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1011 of 2026

Amit Nigam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anuj Srivastava
Counsel for Opposite Party(s)	:	Rahul Srivastava, G.A.

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Anuj Srivastava, learned counsel for the applicant, Sri Rahul Srivastava, learned Special Public Prosecutor for the C.B.I./opposite party no.2, Sri Ajay Singh, learned A.G.A.-I for the State/opposite party no. 1 and perused the record.

3. This anticipatory bail application under Section 438 Cr.P.C. has been filed by the applicant Amit Nigam, seeking anticipatory bail, in the event of arrest in Case Crime No. RC1202022A0015 (CBI vs. Amit Nigam and others), under Section 109 I.P.C. and Section 13(2) r/w 13(1)(e) P.C. Act, 1988 and substantive offences U/S 13(2) r/w 13(1)(e) P.C. Act, Police Station- CBI/ACB, District Ghaziabad till conclusion of trial.

4. Prior notice of this anticipatory bail application was served in the office of Government Advocate and as per Chapter XVIII, Rule 18 of the Allahabad High Court Rules and as per direction dated 20.11.2020 of this Court in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. 8072 of 2020, Govind Mishra @ Chhotu Versus State of U.P. This anticipatory bail application is thus being heard. Grant of further time to the learned A.G.A as per Section 438 (3) Cr.P.C. (U.P. Amendment) is not required.

5. The present case stems out of a First Information Report alleging disproportionate assets of the applicant being public servant during the

check period 01.01.2008 to 30.06.2018. The same was assessed to be disproportionate to the tune of Rs.7,52,61,831 and percentage of DA comes to 86.80 % to which it was opined that he could not satisfactorily account for. Investigation in the matter concluded and a charge sheet no. 07 dated 30.6.2025 was submitted against the applicant for the offences u/s 109 I.P.C. r/w section 13(2) r/w 13(1)(e) of P.C. Act and substantive offence u/s 13(2) r/w 13(1)(e) of P.C. Act, 1988, against Mrs. Dolly Kumari the wife of the applicant for the offences u/s 109 I.P.C. r/w section 13(2) r/w 13(1)(e) of P.C. Act, 1988 and against Mrs. Uma Nigam the mother of the applicant, for the offences u/s u/s 109 I.P.C. r/w section 13(2) r/w 13(1)(e) of P.C. Act, 1988. The court of Special Judge (Anti Corruption), C.B.I., Court No. 1, Ghaziabad vide order dated 7.1.2026 took cognizance upon the same and summoned the applicant for the offences under Sections u/s 109 I.P.C. r/w section 13(2) r/w 13(1)(e) of P.C. Act and substantive offence u/s 13(2) r/w 13(1)(e) of P.C. Act, 1988, and further the co-accused Mrs. Dolly Kumari and Mrs. Uma Nigam for the offences u/s 109 I.P.C. r/w section 13(2) r/w 13(1)(e) of P.C. Act, 1988. This anticipatory bail application has thus been filed by the applicant subsequent to rejection of the anticipatory bail application of the applicant vide order dated 8.1.2026 by the Special Judge (Anti Corruption), C.B.I., Court No. 1, Ghaziabad.

6. Submission of learned counsel for the applicant is that the applicant is a public servant. It is submitted while placing para-42 of the affidavit in support of this anticipatory bail application that the applicant has an unblemished career of 26 years and has no criminal history except the present one. It is submitted that during investigation the applicant cooperated in the investigation and was not arrested by the C.B.I. It is submitted that the said fact is also mentioned in the para- 20, 32, 34 and 40 of the counter affidavit of the C.B.I. It is submitted that now since the applicant has been summoned by the trial court, he is under an apprehension that when he appears before the court concerned, he shall be taken into custody. It is submitted that co-accused Mrs. Dolly Kumari and Mrs. Uma Nigam have been granted anticipatory bail by the court concerned vide order dated 27.01.2026. It is submitted that thus the prayer for anticipatory bail be considered. Learned counsel for the applicant undertakes that the applicant shall be religiously appearing before the trial

court on each and every date and shall not seek unreasonable adjournment ever.

7. Per contra, learned counsel for the C.B.I. opposed the prayer and submits that in so far as apprehension of arrest of the applicant is concerned, the matter is now after investigation and thus it is beyond the hands of the investigating agency to arrest him. It is submitted that now the matter is before the court concerned and it is wisdom of the court to pass appropriate orders as and when the applicant appears before it in compliance of the summoning order. It is submitted that as such the present anticipatory bail application is not maintainable since the applicant is not under apprehension of arrest by the investigating agency. Reliance has been placed on the view taken by a co-ordinate Bench of this Court in the case of ***Asheesh Kumar vs. State of U.P. and another: Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No.4464 of 2025***, decided on 01.08.2025.

8. Learned State counsel also adopted the arguments of learned counsel for the C.B.I.

9. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is a government servant. Investigation with regards to disproportionate asset for a specific check period were undertaken after which a charge sheet has been submitted against him and two other co-accused subsequent to which he has been summoned along with two other co-accused by the court concerned. The said two co-accused Mrs. Dolly Kumari and Mrs. Uma Nigam have been granted anticipatory bail by the concerned court. The case of the applicant is that he was not arrested by the C.B.I./investigating agency during investigation and he had cooperated in it. Now charge sheet has been submitted after which the court concerned has taken cognizance and summoned the applicant and other two accused and therefore he is under apprehension of arrest when he appears before the court. Since the applicant was not arrested during investigation and there is no specific case of his not cooperating in it during investigation, his arrest at this stage does not appear be necessary.

10. In view of the same, without expressing any opinion on the merits of

the case, considering the nature of accusation and the fact that he has no criminal antecedents, the applicant is entitled to be released on anticipatory bail in this case.

11. In the event of arrest of the applicant Amit Nigam, involved in Case Crime No. RC1202022A0015 (CBI vs. Amit Nigam and others), under Section 109 I.P.C. and Section 13(2) r/w 13(1)(e) P.C. Act, 1988 and substantive offences U/S 13(2) r/w 13(1)(e) P.C. Act, Police Station-CBI/ACB, District Ghaziabad, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) the applicant shall appear before the court concerned within a period of two weeks from today and file certified copy of this order for its compliance.

(ii) the applicant shall make himself available on each and every date fixed in the matter by the court concerned.

(iii) 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.

(iv) the applicant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the concerned court.

12. In case, the applicant does not co-operate in the proceedings of the trial, this order shall stand automatically recalled/vacated and the applicant shall be taken into custody, forthwith.

13. Further, in default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

14. If on any date the applicant seeks unreasonable adjournment and defies the undertakings given before this Court, C.B.I. shall be free for moving an application for cancellation of bail.

15. The court concerned shall not be prejudiced by any observation made

by this Court while considering and deciding the present anticipatory bail application of the applicant.

16. The present anticipatory bail application is disposed of.

17. Pending application(s), if any, stands disposed of.

(Samit Gopal,J.)

March 18, 2026

Naresh