



2026:AHC:56165

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 1424 of 2026**

Devendra @ Babloo

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar Mishra, Rishabh Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Shri Rishabh Tiwari, learned counsel for the applicant, Shri B.P. Maurya, learned A.G.A. for the State and perused the record.
3. The present application has been moved seeking anticipatory bail in Complaint Case No.400062 2024, under Sections 420, 406 of I.P.C., Police Station Sherkot, District Bijnor, with the prayer that in the event of arrest, applicant may be released on bail.
4. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that the applicant has been summoned to face trial for the offences under Sections 420 and 406 of I.P.C. in a compliant case. It is further submitted the offences under Sections 406 and 420 of I.P.C. cannot stand together as per law laid-down in the case of **Delhi Race Club (1940) Ltd. and Others Vs. State of Uttar Pradesh and Another, 2024 SCC OnLine SC 2248** and the applicant is ready and willing to cooperate in the trial. It is further submitted that as per allegations in the complaint, the applicant is said to have committed criminal breach of trust of Rs.1,60,000/-, however, no date of incident has been mentioned in the complaint. It is also submitted that the applicant is having no criminal history. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of

bail and will co-operate with the investigation and would obey all conditions of bail.

5. On the other hand, learned AGA has also opposed the application for anticipatory bail.

6. Applicant has been summoned to face trial for the offences under Sections 420 and 406 of I.P.C. in a compliant case. It is further submitted the offences under Sections 406 and 420 of I.P.C. cannot stand together as per law laid-down in the case of **Delhi Race Club (1940) Ltd. and Others Vs. State of Uttar Pradesh and Another, 2024 SCC OnLine SC 2248**. As per allegations in the complaint, the applicant is said to have committed criminal breach of trust of Rs.1,60,000/-, however, no date of incident has been mentioned in the complaint and the applicant is ready and willing to cooperate in the trial. It is also submitted that the applicant is having no criminal history

7. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

8. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

9. The anticipatory bail application is allowed.

10. In the event of arrest of the applicant- **Devendra @ Babloo** involved in the aforesaid case crime 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 not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

11. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

March 19, 2026
RKM

(Jitendra Kumar Sinha,J.)