



2026:AHC:64066

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2739 of 2026**

Pramod @ Pappu And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhilasha Singh, Ashutosh Yadav,
Rahul Yadav, Shyam Lal
Counsel for Opposite Party(s) : G.A., Krishna Mohan Tripathi

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Ms. Abhilasha Singh, Learned counsel for the applicants and Shri Krishna Mohan Tripathi, Learned counsel for the informant, Shri Amit Kumar Dubey, Learned A.G.A. for the State, as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicants in Complaint Case No.28120 of 2023 (Old No.2776 of 1998) U/s 147, 148, 149, 302, 304, 109 I.P.C., P.S. Islam Nagar, District Budaun, with a prayer to enlarge them on anticipatory bail, during the pendency of trial.
3. Learned counsel for the applicants states that the applicants have been falsely implicated in a complaint case. She submits that an FIR was lodged as Case Crime No.143/1982 under section 302 IPC by applicant No.1, Pramod, for the murder of his uncle, Umesh Chandra, against Naresh, Shanti Swaroop and Ram Prakash. She contends that after nine months of the incident, a cross-version was set up on an application under section 156(3) Cr.P.C., which was registered as Case Crime No.143-A/1982. The said order directing for registration of the case was challenged in revision, which was allowed and the matter was directed to be treated as a complaint case. The applicants were then summoned by the order dated 15.7.1993. The order dated 15.7.1993 was challenged before the Session Court in Criminal Revision No.3067/1993, which was

allowed, and the order dated 15.7.1993 was set aside. The file was then consigned to the records by the Magistrate vide order dated 15.11.1995. The said order was challenged in Revision No.140/1997, which was allowed ex-parte vide order dated 27.10.1998 and the matter was remanded back for rehearing. The summoning order was then passed on 9.10.2001, whereafter non-bailable warrants were also issued against the applicants.

4. Learned counsel for the applicants submits that the orders dated 17.2.2009, issuing non-bailable warrants, and 9.10.2001, summoning the applicants, were subjected to challenge in Criminal Revision No.875/2009, which was dismissed by this Court. After that, an application under section 482 Cr.P.C. was filed challenging the entire proceedings of the complaint case, and this Court vide order dated 27.4.2009 stayed further proceedings of the complaint case. The said application was finally dismissed by this Court vide order dated 21.1.2026 and till 21.1.2026, the interim order in favour of the applicants existed.

5. Learned counsel for the applicants contends that it is only thereafter the applicants have approached the concerned Court seeking anticipatory bail. Learned counsel for the applicants states that applicant No.1 was falsely implicated in three cases. In none of the cases, the applicant has been convicted, and out of the three cases, one resulted in filing of a final report, the other case resulted in being expunged, and in the third case, the proceedings are stayed by this Court in Application U/s 482 No.5489 of 2024. Learned counsel for the applicants then contends that the applicants have been falsely implicated and their interest may be protected during trial, and they may be granted anticipatory bail. The applicants undertake not to abscond or tamper with the evidence.

6. Shri K M Tripathi, Learned counsel for the complainant, on the other hand, contends that the applicants concealed material facts from this Court while obtaining interim relief in Application U/s 482 No.9657 of 2009, which was finally dismissed by this Court on 21.1.2026. He further contends that a fake case was set up, whereas the complaint lodged by the complainant was the true version of the facts. He submits that in statements under Sections 200 and 202 Cr.P.C., the witnesses have clearly

supported the version set up in the complaint, and the offence alleged against the applicants is heinous, and one of the punishments prescribed is death. He contends that for such a grave offence, no indulgence may be granted to the applicants.

7. Learned AGA has also supported the claim of the Learned counsel for the applicants.

8. I have considered the submissions made by the Learned counsel for the parties.

9. From the perusal of the record, it is evident that the first information report regarding the murder of Umesh Chandra was lodged by applicant No.1, which was registered as Case Crime No.143 of 1982. The present case arises from a complaint, and the applicants were summoned in the year 1993 vide order dated 15.7.1993. The order dated 15.7.1993 was set aside by the revisional court on 11.10.1995, and the Magistrate consigned the records on 15.11.1995. The order consigning the records was challenged in Revision No.140 of 1997, which was allowed ex-parte on 27.10.1998, after which, on 9.10.2001, the applicants were again summoned, and non-bailable warrants were also issued.

10. The criminal revision filed by the applicants challenging the orders dated 17.2.2009 and 9.10.2001, being Criminal Revision No.875 of 2009, was dismissed by this Court, leaving it open to the applicants to appear before the concerned Court and the operation of the non-bailable warrants were stayed for a period of three weeks. It appears that thereafter, an application under section 482 Cr.P.C., being Application U/s 482 No.9657 of 2009, was filed by the applicants, in which the proceedings of the complaint case were stayed, and finally, on 21.1.2026, that is, after about forty-three years from the date of incident, the application under Section 482 came to be dismissed by this Court. The case lodged by applicant No.1 is said to be at the stage of trial before the concerned Sessions Court. In the opinion of this Court, the proceedings against the applicants, which have been re-initiated after the dismissal of the application under section 482 by this Court, do not require the arrest of the applicants.

11. The non-bailable warrants, though may have been issued against the applicants in the year 2009, however, an interim order was granted to the applicants by this Court, which remained in operation till 2026. Learned counsel for the informant has pointed out that the matter was dismissed twice in default; however, he could not dispute the fact that when the application was finally decided on 21.1.2026, the interim order had been extended on the previous dates.

12. Keeping in view the entire facts and circumstances of the case, especially the fact that almost 44 years have passed since the date of occurrence, and the applicants are senior citizens, in the opinion of this Court, the application for grant of anticipatory bail deserves to be allowed.

13. In view of the above, the anticipatory bail application of the applicants is *allowed*.

14. In the event of the arrest of the applicants-**Pramod @ Pappu and Lakhkhu @ Satyapal**, they shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing of their personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

- i. the applicants shall make themselves available for interrogation by a police officer as and when required;
- ii. that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- iii. that the applicants shall not leave India without the previous permission of the Court;
- iv. that the applicants shall not pressurize/intimidate the prosecution witness;

15. In case of breach of any of the above conditions, the Court concerned

shall be at liberty to cancel the bail.

16. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

March 26, 2026

A. Pandey