



2026:AHC:63212

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2953 of 2026**

Mukesh Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manvendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Learned counsel for the applicant; and Sri Surendra Singh, learned A.G.A. for the State are present.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 474 of 2025, under Sections 49, 303(2), 132, 221, 352, 351(2), 61(2) and 111(2)(b) of the B.N.S.; Section 3 of the Prevention of Damage to Public Property Act, 1984; and Sections 4/21 of the Mines and Minerals (Development and Regulation) Act, 1957, Police Station Kotwali, District Fatehpur, with a prayer to enlarge him on anticipatory bail, during the pendency of the trial.

3. The learned counsel for the applicant states that the applicant has been falsely implicated in the present case and seeks anticipatory bail on the following grounds :-

i. The maximum punishment provided for the offences alleged against the applicant is seven years.

ii. For offences under the Mines and Minerals (Development and Regulation) Act, 1957, a complaint would lie and a First Information Report (FIR) is not maintainable.

iii. Similarly situated co-accused Vikas Patel and Devansh @ Devansh Pratap Singh were arrested and sent to jail and have been bailed out by this Court in Criminal Misc. Bail Application Nos.5414 of 026 and 3490 of 2026, respectively.

iv. The applicant is neither a member of organized crime syndicate nor has he acted as such.

v. Investigation with respect to the applicant is still pending and a charge sheet has been submitted against some of the other accused.

vi. The applicant has been implicated after his name supposedly surfaced during investigation in the statement of the co-accused, Devansh @ Devansh Pratap Singh, who has been granted regular bail by this Court.

vii. The applicant has a criminal history of one case, being Case Crime No.0332 of 2025, under Section 303(2) of B.N.S., and Sections 4,21 of Mines and Minerals (Development and Regulation) Act, and Sections 7A, 12 of Prevention of Corruption Act, Police Station Thariyaon, District Fatehpur, in which he has been granted stay of arrest by this Court in Criminal Misc. Writ Petition No.27186 of 2025. The above mentioned case was lodged against the applicant along with this case.

4. Learned A.G.A. has opposed the prayer for anticipatory bail on the following grounds:

i. The applicant has indulged in illegal mining and caused loss to the State exchequer.

ii. The co-accused were arrested and have been granted regular bail by the High Court.

iii. No case of the applicant for grant of anticipatory bail is made out.

5. I have considered the submissions made by the learned counsel for the parties.

6. The applicant is not named in the FIR. The co-accused, Vikas Patel and Devansh @ Devansh Pratap Singh, have been granted regular bail by this Court. Another co-accused, Anas Khan, has been granted anticipatory bail by this Court vide order dated 27.02.2026 in NA Bail No.1735 of 2026.

7. Taking into account the nature of allegations against the applicant, the fact

that his name has figured in the statement of the co-accused Devansh @ Devansh Pratap Singh, I deem it appropriate to enlarge the applicant on anticipatory bail.

8. The anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant- **Mukesh Tiwari**, involved in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing a 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 applicant shall make himself available for interrogation by a police officer as and when required;
- ii. that 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;
- iii. that the applicant shall not leave India without the previous permission of the Court;
- iv. that the applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. 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.

March 26, 2026
Kushal

(Rajiv Lochan Shukla,J.)