



2026:AHC:57817

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2126 of 2026

Marghoob Alam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raj Kumar Singh, Rajat Aren
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Shri M.J. Akhtar, Advocate has filed Vakalatnama on behalf of the first informant, which is taken on record.

2. Heard Shri Raj Kumar Singh, learned counsel for the applicant and Shri Rajat Aren, learned counsel appearing on behalf of the applicant through V.C., Shri V. M. Zaidi, learned Senior Advocate assisted by Shri M.J. Akhtar, learned counsel for the first informant, 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 Case Crime no.309 of 2025, under Sections 318(4), 336(2), 338, 340(2), 351(2), 352 of B.N.S., Police Station Mirzapur, District Saharanpur, 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 a civil dispute has been given the colour of criminality and as per first information report, an oral agreement to sale is said to have been entered into between the applicant and the first informant and the applicant is said to have received earnest price of Rs.15,00,000/- from the first informant, however, the sale deed has not been executed by him. It is further submitted that an earlier transaction took place between the applicant and the first informant and the applicant executed a sale deed in favour of the first informant in respect of another

property, however, the consideration amount was not paid to the applicant and he has filed a civil suit for declaring the said sale deed null and void prior to lodging of the present case. It is further submitted that the first information report has been lodged after delay of 11 months and the applicant has filed criminal case against the first informant prior to lodging of the present case and a written report (tahrir) has been filed on 30.10.2025 prior to lodging of the present case. It is also submitted that the applicant is having criminal history of one case, which has been explained in the memo of application. 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 Senior Counsel for the first informant has opposed the application for anticipatory bail and it has been submitted by him that the applicant has cheated the first informant and he has not executed the sale deed and has grabbed Rs.15,00,000/- as earnest money, however, he does not dispute the fact that there is no written agreement to sale. It is further submitted that the applicant and the first informant were involved in earlier transaction in time and applicant in order to put pressure, first informant has filed a criminal case against him also. It is further submitted that the applicant is having criminal history of one case.

6. Learned AGA has also opposed the application for anticipatory bail and it has been submitted by him that the applicant is having criminal history of one case.

7. In reply, learned counsel for the applicant submits that the applicant has already explained criminal history of one case.

8. As per first information report, an oral agreement to sale is said to have been entered into between the applicant and the first informant and earnest money of Rs.15,00,000/- is said to have been received by the applicant from the first informant, however, the sale deed has not been

executed by him. It is further submitted that an earlier transaction took place between the applicant and the first informant and the applicant executed a sale deed in favour of the first informant in respect of another property, however, the consideration amount was not paid to the applicant and he has filed a civil suit for declaring the said sale deed as null and void prior to lodging of the present case. It is further submitted that the first information report has been lodged after delay of 11 months and the applicant has filed criminal case against the first informant prior to lodging of the present case and a written report (tahrir) has been filed on 30.10.2025. It is also submitted that the applicant is having criminal history of one case, which has been explained in the memo of application.

9. 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.

10. 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.

11. The anticipatory bail application is allowed.

12. In the event of arrest of the applicant- **Marghoob Alam** 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.

13. 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.

(Jitendra Kumar Sinha,J.)

March 20, 2026
RKM